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LYSIAS

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LYSIAS

WITH AN ENGLISH TRANSLATION BY

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PREFACE

The Greek text in this volume is based on the edition of Thalheim (Teubner, 1901): the emendations which have been accepted from him and other scholars are indicated in the notes as they occur.

The translation is intended to show something of the structure as well as the full sense of the original, so far as English speech will permit, in order to give some impression of the versatile tact with which Lysias adapted his style to the various characters of his clients. The introductions, notes and translations in the excellent edition of MM. Gernet and Bizos ("Les Belles Lettres," 1924) have been helpful at many points of difficulty or doubt. For more detailed information and discussion than the scope of this volume allows the English reader is referred to Jebb's *Attic Orators* (Macmillan, 1876) and Shuckburgh's edition of sixteen of the speeches (Macmillan, 1895).

W. R. M. LAMB.

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GENERAL INTRODUCTION

Our surest information concerning the life of Lysias is derived from his own statements in the speeches *Against Eratosthenes* and *Against Hippotherses*,[a] and also, in a more general way, from Plato's account of him in the *Phaedrus*. These indications, together with the most probable among the statements of later tradition,[b] enable us to construct a fairly definite outline of his character and career. His father, Cephalus, was a wealthy shield-maker of Syracuse who, on the invitation of Pericles, had settled as a resident alien in the Peiraeus about 470 B.C. The opening pages of Plato's *Republic* give us a pleasant glimpse of Cephalus in extreme old age: he is in full possession of his faculties, and his cheerfulness, good sense and love of intelligent discussion evoke the warm admiration of Socrates, who meets him in the house of Cephalus's eldest son, Polemarchus, in the Peiraeus; Lysias and a third son, Euthydemus, are also present. It is clear that the house was a favourite meeting-place of the most cultivated men who lived or stayed in Athens. The date of Lysias's birth cannot be fixed with any certainty. Tradition places it in 458–457 B.C. There is no serious difficulty in accepting this date, and with it the story that he went in early youth, after his father's death,[a] to the new colony of Thurii in the south of Italy about 440 B.C. In this settlement, which was intended to promote Athenian interests in Italy, he lived with his brother Polemarchus till 412 B.C., studying for a while under the Sicilian rhetorician Tisias, and then, as a man of ample means and leisure, exercising a natural gift for a clear and impressive prose-style, and taking an active part in public affairs.[b] His sympathies were wholly and strongly on the side of the democrats in the town, who were just able to hold their own against the oligarchs : that the latter had at times the upper hand is shown by their reception of Alcibiades when he was in disgrace after the affair of the Hermae (415 B.C.). But two years later they were overpowered and banished by the democrats ; and Demosthenes, in command of the second Sicilian expedition sent from Athens, obtained useful support from the people of Thurii. The disastrous failure of the Athenians at Syracuse (413) produced an oligarchical revolution in the colony, and Lysias's turn came to be banished (412). He betook himself to Athens, which he had left about thirty years before in the height of her power and splendour.

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[a] Of the latter only a few fragments have survived (*Oxyrhynchus Papyri*, xiii., Grenfell and Hunt, 1919); see p. xviii.

[b] Collected in the *Lives of the Ten Orators*, a work formerly attributed to Plutarch.

It is probable that during his long absence he had kept in touch with literary movements and triumphs in that brilliant epoch of Athenian culture. Sophocles, Euripides and Aristophanes had led dramatic poetry along their several paths to unexplored heights of beauty and power, while on a humbler level Antiphon had been stimulated by the teachings of Protagoras and Prodicus to evolve an effective prose-form for the use of pleaders in the law-courts. Moreover, the arrival of Gorgias from Sicily in 427 had awakened the ears and minds of the Athenians to the potent charms of antithetical and ornamental speech. And when Lysias returned to Athens, the young Plato was listening spell-bound to the talk of Socrates, who was now fifty-eight years old, and who, since the production of Aristophanes' *Clouds* (423), had become famous in the city for the sly humour with which he inveigled young men into perturbing arguments on the principles of their conduct and thought.

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[a] For the purpose of his scene in the *Republic* Plato seems to have imagined Cephalus to be alive as late as 430, or even 410 B.C.

[b] Although he represents himself at the beginning of the speech *Against Eratosthenes* (XII. 3) as inexperienced in oratory, the fluency and force of that performance suggest that he had had considerable practice in public speaking at Thurii.

Lysias and Polemarchus (who definitely joined the Socratic circle) were doubtless delighted to escape from the petty politics of Thurii: but affairs in Athens were by no means tranquil. The occupation of a part of Attica by the Spartans resulted in the loss of a main source of Athenian revenue, the silver mines of Laurion; and everywhere the allies were revolting. A deep weariness under the protracted struggle of the Peloponnesian War was expressed by Aristophanes in his *Lysistrata* (411), and the oligarchic party began to rear its head amid the general discontent. Making use of the menace of a Persian alliance with Sparta, a number of conspirators induced the democracy to restrict its executive to a Council of four hundred representatives of the ten tribes, and this body was in power for a few months. But, as Thucydides observed,[a] although the new government had been contrived by such able men as Antiphon, Phrynichus and Theramenes, " it was a difficult thing to deprive the Athenian people of liberty, when they were not only subject to none, but had been accustomed for over half a century to govern others." A strong democratic movement arose among the soldiers and sailors in the Athenian fleet at Samos, where Thrasybulus was arranging terms with Alcibiades and courting the support of Persia ; and the democrats found that the more moderate oligarchs led by Theramenes were ready to join hands with them. The Spartans defeated the Athenians in a sea-fight at Eretria, and the whole of Euboea, on which Athens was dependent for food-supplies since the hostile occupation of Attica, was immediately lost to her. The Four Hundred were deposed, and on the motion of Theramenes a limited democracy of Five Thousand was established. Successes against Sparta at sea (Cynossema, 411 ; Cyzicus, 410) led to a restoration of the old democracy, and a new temple of Athena Polias (the " Erechtheum ") arose near the Parthenon on the Acropolis. It was not long, however, before Persia began to weight the scales heavily in favour of Sparta, which had, moreover, a great advantage in the extraordinary abilities of Lysander. Athens had perforce to entrust her fortunes to the gifted but unstable Alcibiades, and gained a few successes ; but the defeat of a naval contingent through his carelessness at Notion near Ephesus (407) finally discredited him, and he took refuge in a castle on the Hellespont. Next year came the Athenian victory at Arginusae, near Lesbos, and the democracy showed its wayward ill-humour by passing a death-sentence on the eight

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[a] viii. 68.

Athenian commanders for neglecting to rescue the men from the disabled vessels. Lysander obtained fresh support from Cyrus, and dealt the final blow to Athenian power at Aegospotami (405). Starvation and submission quickly followed ; Attica and Salamis were all that remained of the wide Athenian Empire, and the Long Walls were demolished (404). With Lysander's aid the oligarchs formed a small government of thirty men, who held absolute and ruthless sway over the unhappy city for about eight months.

During these perilous and disastrous times Lysias and Polemarchus were apparently carrying on a lucrative manufacture of arms in the Peiraeus. As resident aliens, they had no share in public life, except in the discharge of those public services which were required of wealthy persons ; as householders, they paid taxes like citizens.[a] For some of these years Lysias seems to have kept a rhetorical school, and he certainly became noted for his skill in prose composition. But trouble soon overtook the brothers. After taking vengeance on their political opponents, the Thirty proceeded to strip citizens and aliens alike of their possessions. In many cases the process was hastened by imprisonment and execution. Lysias and Polemarchus were arrested : we read in the single speech [b] that Lysias delivered in person at Athens the grim story of Polemarchus's summary execution and Lysias's escape to Megara. There, and at Corinth and Thebes, many others had sought refuge : the three cities were willing now to lay aside old enmities and help the homeless democrats, so sharply had the cruel excesses of the Thirty under

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[a] This status was that of an " isoteles."

[b] XII. *Against Eratosthenes.*

Spartan protection revealed the horrors of unrestricted oligarchy. When Thrasybulus marched with seventy Athenian exiles from Thebes in the autumn of 404, and seized the fort Phyle, Lysias, who probably had some property outside Attica, assisted them with personal gifts of money and arms, and procured recruits and further funds through his friends. At length Thrasybulus was strong enough to seize the Peiraeus (403) and, after anxious negotiations with Sparta, to restore the old democracy in Athens. On his proposal the citizenship was conferred on Lysias, who at once impeached Eratosthenes, one of the Thirty, for the murder of Polemarchus. Shortly afterwards, owing to a technical irregularity in Thrasybulus's procedure, Lysias lost his citizenship and had to content himself thenceforth with his previous status of "isoteles." This meant that, while he could write speeches for others, he could deliver none in public himself. For the time there was little to be done by the manufacture of arms; and he decided to make a regular profession of speech-writing for lawsuits, after the example set by Antiphon. His aptitude for this work soon brought him a busy practice: we learn from Dionysius that his genuine works numbered 230. Isocrates, and later Isaeus, were for some years his rivals in this business. From 394 B.C. he had the satisfaction of seeing Athens arise from her humiliation, rebuild the Long Walls, and gradually recover something of her former prestige in the Greek world. In 388 we find him addressing the great congress of Greeks at the Olympic festival: in grave yet fervent tones of personal authority he warns the Greeks against their two chief enemies, Dionysius, tyrant of Syracuse, and Artaxerxes, King of Persia, and he deprecates the harsh, disruptive policy of Sparta. He seems to have died some eight years later, having lived to the age of eighty.

Of the thirty-five pieces which have been handed down under his name, four—the *Love Speech* apparently quoted by Plato in the *Phaedrus*,[a] the *Funeral and Olympic Orations*, and the speech *Against the Subversion of the Ancestral Constitution*—are show-pieces of no particular distinction : they have an interest, however, as examples of the formal style which was cultivated in the sophistic schools of the fifth century ; and they may serve to indicate the character of his numerous rhetorical treatises and public addresses which have perished. Of the thirty-one other extant pieces, five are almost certainly by other writers. Yet there remains a goodly collection of authentic works, which is rich in sterling material for the history of human life and manners, and which marks an important stage in the development of literary art. As each plea unfolds its defence or accusation, we become acquainted with many details of domestic, commercial and civic life which the Greek historians have passed over as too familiar or insignificant for notice in their memorials. We get frequent and valuable glimpses of the workings of Athenian law in regard both to the body politic and to the every-day relations between man and man. Besides the dark pictures of murder and depredation under the rule of the Thirty (XII., XIII.), we see orphans in distress claiming their stolen or sequestrated property (XVIII., XIX., XXXII.) ; young citizens of spirit and ambition making their way in public life (XVI., XXI.) ; an adulterer's intrigue in a citizen's house, and amorous rivals brawling in the streets (I., III., IV.); the profligacy of the young Alcibiades (XIV., XV.); and quiet, industrious persons resisting the attacks of venal slanderers (VII., XXIV.). These and many other notable additions to our knowledge of the ordinary life of the ancient world are the outcome of the peculiar gifts and principles which Lysias brought to the practice of his profession.

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[a] 230 E–234 C. More probably a Platonic parody of sophistic disquisition than an actual work of Lysias.

In his highest achievement, the speech *Against Eratosthenes*, we feel the deliberate balance and elevation of phrase which are noticeable in the formal pieces already mentioned, and which remind us of the stately manner of Protagoras, Antiphon and Thucydides.[a] But here, in demanding vengeance for the murder of his brother, he allows neither formal artifice nor personal passion to obtrude, except for some specially calculated effects in his opening and his closing words. We may well believe that he found little or no use for the jingling epigrams of Gorgias, and taught himself and his pupils to admire only the precision and euphony which were certainly to be remarked in some works of the brilliant Sicilian. But it is rather in his regular writing for the courts that he shows his distinctive qualities. The mere limitation of the time allowed to the speaker, and the constant endeavour to produce an impression of sincerity, would naturally preclude any scholastic pomp of words or phrases. Lysias, at any rate, had the good sense to see that a plain, close-fitting style was the safest vehicle for his expositions and demonstrations, which must be not only clear, concise and vigorous, but also appropriate to the character of his client. Thus the language is generally simple ; yet it is chosen and applied with a peculiar grace which gradually asserts its presence, though it may not be easily analysed or described. These pleadings show no convolution of periods, no rarity of idiom, no great complication or resonance of phrase. Their only formal artifice is the steady poise imparted by antithesis, which gives way, as in Thucydides,[a] to a more rapid and looser system for the vivid presentment of scenes and characters. The arrangement of subject matter is orderly and lucid : we have usually a preface, a narrative, an argued proof, and a conclusion, and we are led by easy steps from one section to another.

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[a] In some speeches and disquisitions of the History. For a full discussion of this element in Attic prose see my *Clio Enthroned* (Camb. Univ. Press, 1914).

In the centuries succeeding his own Lysias was highly esteemed for his resource in devising always a different preface for each case that he undertook, and his narratives were regarded as models of conciseness and clarity. Although considered strong in point of reasoning, he was felt to be deficient in pathetic appeal and in the emotional heightening of his proofs and conclusions.[b] For us his artistic interest and distinction mainly reside in the masterly restraint with which he presents the facts or points in the exact relief that the importance of each requires, endowing them with just enough life to work their own effect on the minds of the audience. This subtle tact, allied to a ready grasp of his client's circumstances and claims, and a strong dramatic instinct for their impressive mobilization in court, easily kept him at the head of his profession. If some of his lesser speeches seem now to be lacking in emphasis and life, we should recall the story told by Plutarch [a] of a litigant who received from Lysias a speech that he had composed for him, and who, after reading it a number of times, came to him in despondent mood, saying that on his first perusal it seemed admirable, but that on going over it a second and a third time he found it utterly flat and ineffective. Whereupon Lysias laughed and said : " Why, to be sure, you are only going to speak it once before the judges ! " But happily he has given more than the vitality of the moment to the greater part of his extant writings. Throughout his life he was a determined supporter of absolute democracy ; and wherever there is a question of the people's rights and liberties, we feel the fervour of the man beneath the discretion of the advocate.

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[a] See preceding note.

[b] These and other criticisms of Lysias are set forth by Dionysius of Halicarnassus, *De Lysia*.

Many fragments of his writings survive in the quotations of later authors and compilers, and also in papers which have been unpacked from the coffins of Egypt. One piece, from a speech *Against Hippotherses*,[b] shows Lysias asserting his right to some property of which he had been dispossessed by the Thirty. He describes himself as " the wealthiest resident alien in the times of your prosperity, but one who was staunch to you in your calamity " : he gives details of his activities in support of the popular cause,[c] and alludes to his frustrated hope of receiving the citizenship as his reward. Another piece, quoted by Athenaeus,[d] tells how Cinesias, the poetaster, poltroon and slander-monger,[e] feasted with three companions on a "forbidden day," and how they called themselves the Society, not of the New Moon, but of the Evil Genius. The blasphemers have all perished except Cinesias, who lives in such a state of misery that his enemies wish him rather alive than dead, and his example shows that in such extreme cases of outrage the gods do not visit their vengeance upon the children, but bring a dire perdition on the guilty themselves, smiting them with greater and more grievous calamities than other people.[a] A passage of some length, quoted by Dionysius,[b] relates how Teisis, after a quarrel with Archippus in a wrestling-school, was persuaded by Pytheas, his guardian and lover, to simulate friendship towards Archippus and invite him to a wine-party one night. There Archippus was tied to a pillar and whipped by Teisis ; he was then shut up in a room, and next day he was whipped again in the same manner. His injuries aroused general indignation when his brothers showed him in public. Another piece given by Athenaeus[c] describes how Aeschines, the disciple of Socrates, obtained capital for starting a scent shop, the lender assuming that one who talked so finely about justice and virtue would never stoop to the basest villainy and wrong. Aeschines had so many creditors hanging about his shop that passers-by thought it must be a funeral ; while the Peiraeus folk considered it far safer to voyage on the Adriatic[d] than to have dealings with him. He also seduced the seventy-year-old wife of the perfumer Hermaeus—" ravishing the bloom of this little miss, whose teeth are easier to count than the fingers on her hand. So that is our professor's way of life ! " This extract suggests that the ignorant or wanton destruction of all but about an eighth of the work of Lysias has deprived us, not only of numerous scenes and portraits as vivid as those that have been preserved, but also of occasional comic thrusts at the prominent characters and reputations of the time. In his private humours, at least, as well as in his artistic handling of common affairs, we may fairly claim for him some kinship with his great contemporary, Aristophanes.

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[a] *De Garrulitate*, 5.

[b] *Oxyrhynchus Papyri*, Grenfell and Hunt, 1919.

[c] See above, p. xiv. [d] xii. 551. [e] *Cf.* XXI. 20 n., p. 487.

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[a] *Cf.* VI. 20, p. 127.
[b] *De Demosthene*, 11.
[c] xiii. 611.
[d] *Cf.* XXXII. 24, p. 675.

CHRONOLOGICAL SUMMARY

415–380 B.C.

415 Mutilation of the Hermae in Athens, and banishment of Andocides, after he had laid information, under the decree of Isotimides. The first Sicilian Expedition sets out under Nicias, Alcibiades and Lamachus. Alcibiades is recalled to stand his trial for impiety, but escapes at Thurii and is condemned to death in his absence. He urges Sparta to intervene in Sicily.

414 Siege of Syracuse by the Athenians. Death of Lamachus. Gylippus the Spartan comes to the support of the Syracusans.

413 Fortification of Decelea in Attica by the Spartans, depriving Athens of the silver mines of Laurium. Second Sicilian Expedition under Eurymedon and Demosthenes. Great battle in the harbour of Syracuse, in which the Athenians are utterly defeated. Ten "Probuli" or Commissioners are appointed to direct affairs in Athens.

412 Revolt of Athenian allies—Chios, Miletus, etc.—and treaty between Sparta and Persia (Tissaphernes). Alcibiades leaves Sparta and seeks friendship with Tissaphernes. Lysias and

Polemarchus are driven by oligarchs from Thurii and come to Athens.

411 Democracy overthrown in Athens by an oligarchy of Four Hundred, promoted by Theramenes and effected by Antiphon, Peisander and Phrynichus in co-operation with the Probuli: in this new Council of Four Hundred, each of the 10 tribes is represented by 40 members. The army and fleet at Samos, under Thrasybulus and Thrasyllus, remain loyal to democracy, and receive Alcibiades as a general. Division at Athens between the extremists Antiphon and Phrynichus and the moderate Theramenes. Murder of Phrynichus. Battle of Eretria and revolt of Euboea. The Assembly deposes the Four Hundred: execution of Antiphon. Government of Five Thousand formed by Theramenes. Athenians under Thrasybulus and Thrasyllus defeat the Peloponnesian fleet at Cynossema, north of Rhodes.

410 Athenians under Alcibiades, Theramenes and Thrasybulus destroy the Peloponnesian fleet at Cyzicus in the Propontis: democracy is restored in Athens. (Speech XX. *For Polystratus.*)

408 Gorgias at Olympia protests against the tendency of Greeks to solicit the aid of Persia against Greeks.

407 Lysander arranges with Cyrus, son of King Darius, that Sparta shall be supported by Persia. Alcibiades returns to Athens and is re-appointed general. Lysander defeats the

Athenian fleet at Notium, near Ephesus. Alcibiades, discredited, retires to a castle on the Hellespont. Callicratidas the Spartan defeats Conon and an Athenian fleet off Mytilene.

406 A fresh Athenian fleet defeats the Spartans at Arginusae, south of Lesbos. On the motion of Archedemus, eight Athenian generals are condemned to death by a single sentence, and six of them are executed, for neglecting to save men from disabled ships.

405 The Athenian fleet is surprised and destroyed by Lysander at Aegospotami in the Hellespont, despite the warnings of Alcibiades. Athens is blockaded by Lysander at sea and Pausanias on land. Theramenes visits Lysander to arrange terms of surrender, and stays with him three months.

404 Theramenes is sent with full powers to Sparta, and agrees to the destruction of the Long Walls and the fortifications of the Peiraeus, and the surrender of all foreign possessions and the fleet. Exiles are recalled. Theramenes works for another overthrow of democracy and establishment of oligarchy, and the scheme is taken up by oligarchs returned from exile. With the aid of Lysander, a government of thirty oligarchs is set up, including Critias, Theramenes and Dracontides (September). Lysander goes to Samos and Agis evacuates Decelea, leaving Attica in peace. The Thirty appoint a subservient Council of Five Hundred, which usurps the judicial powers of the people. Protected by a Spartan

guard, they limit the citizenship to 3000, and condemn and execute democrats and moderate law-abiding oligarchs like Niceratus, son of Nicias. Rich resident aliens ("metics") are arrested and condemned to death, and their property is confiscated. Arrest of Polemarchus and Lysias, and escape of Lysias to Megara. Critias and the extreme oligarchs overpower and execute Theramenes. Flight of proscribed citizens to Peiraeus, Megara, Argos, Thebes, etc. Thrasybulus with a small party leaves Thebes and seizes Phyle, on the road to Athens, where he rallies exiled democrats. The Thirty seize Eleusis and hold it as a future place of refuge (November).

403 Thrasybulus at Munychia, near Peiraeus, defeats the oligarchs, and Critias is killed (May). The Thirty are deposed by the Three Thousand and ten chief magistrates are appointed (one from each tribe), who obtain the intervention of Sparta. Pausanias, superseding Lysander, sets up ten other magistrates of more moderate views, and reconciles the parties of the town and of Peiraeus. General amnesty (September), except for the Thirty and their special agents, who retire to Eleusis. Restoration of democracy in Athens. Lysias delivers his Speech XII. *Against Eratosthenes*, and is deprived of the citizenship which he had just obtained. (Speech XXXIV. *Against the Subversion of the Ancestral Constitution.*)

401 (Speeches XXXII. *Against Diogeiton* and XXXI. *Against Philon.*)

400 The Athenians capture Eleusis and finally crush the oligarchs. (Speech XXV. *Against a Charge of subverting the Democracy.*)

399 (Speeches VI. *Against Andocides* and XXX. *Against Nicomachus.*)

398 (Speech XIII. *Against Agoratus.*)

396 (Speech XVIII. *On the Confiscation of the Property of the Brother of Nicias.*)

395 Lysander is defeated and killed by the Boeotians at Haliartus. (Speeches XIV. and XV. *Against Alcibiades.*)

394 The Spartans defeat the Corinthians and their allies (including the Athenians) at Nemea, near Corinth. Pharnabazus and Conon with a Persian fleet defeat the Spartans under Peisander off Cnidus, and the Greek cities of Asia acknowledge the sovereignty of Persia. Agesilaus defeats the Athenians and Boeotians at Coronea, but evacuates Boeotia.

393 The Long Walls are restored at Athens by Conon through the aid of Persians under Pharnabazus.

392 Union of Corinth and Argos. The Spartans gain control of the Isthmus of Corinth.

391 (Speech XVI. *In Defence of Mantitheus.*)

390 Athens sends assistance to Evagoras of Cyprus against Persia.

389 Thrasybulus recovers Thasos, the Chersonese, Byzantium and Chalcedon for Athens.

388 Thrasybulus is killed at Aspendus in Pamphylia. (Speeches XXVIII. *Against Ergocles*, XXIX.

Against Philocrates, and XXXIII. *Olympic Oration.*)

387 Antalcidas of Sparta gains the goodwill of Artaxerxes, King of Persia, and of Dionysius, despot of Syracuse. (Speech XIX. *On the Property of Aristophanes.*)

386 Athens is compelled to submit to the King's Peace, or Peace of Antalcidas : by its terms the cities of Asia are to belong to Persia, while all other Greek cities are to be independent, except Lemnos, Imbros and Scyrus, which are to belong to Athens.

382 The Spartans seize the citadel of Thebes and restore Plataea. (Speech XXVI. *On the Scrutiny of Evandros.*)

c. 380 Death of Lysias.

A full account of the events of this period from 411 B.C. onwards is given by Xenophon, *Hellenica*, i.-v.

THE ORATIONS OF LYSIAS

I. ON THE MURDER OF ERATOSTHENES : DEFENCE

INTRODUCTION

This able and interesting speech was written for Euphiletus, an Athenian who had killed Eratosthenes, of Oe in Attica, after surprising him in the act of adultery with his wife, and who was being prosecuted for murder by the dead man's relatives. In the prefatory part (1-5) Euphiletus, after appealing to the universal detestation of the offence of seduction, claims that Eratosthenes seduced his wife, and that in taking the extreme course of killing him he had no motive of enmity or of gain, but only that of fulfilling the injunction of the law. The narrative (6-26) then describes how, after his marriage, he at first kept a watch on his wife, but after the birth of a child he trusted her entirely, and she gave him every satisfaction. At his mother's funeral, however, she is seen by Eratosthenes ; who, aided by her servant-girl, and her husband's unsuspecting nature, seduces her and carries on the intrigue in the house. At length Euphiletus' eyes are opened by an old woman sent by one of Eratosthenes' neglected mistresses ; he takes the servant-girl to the house of a friend, and frightens her into confessing the whole story of the intrigue. She agrees to betray the offender to him in the very act, and tells him one evening that Eratosthenes is in the house. He slips out quietly, collects some of his friends, returns and enters the house with them. Eratosthenes is caught in the act; he admits his guilt, and begs that his life be spared and compensation accepted in the form of money. Euphiletus, after stating that his action is taken in the name of the law, kills him. The whole story is told with masterly clearness and force, and presents us by the way with some striking details of Athenian family life.

The argument (27-46) shows that Eratosthenes was taken by surprise in the act of adultery, not hunted down in pursuance of a feud; that he owned his guilt, and met with the punishment allowed, nay, enjoined by the law; that restriction of this penalty, and consequent disregard of the law, will encourage thieves to call themselves adulterers; that all the circumstances tell against the suggestion that Euphiletus set a trap for his wife's lover; and that the evidence shows that he was not actuated by personal spite against Eratosthenes.

The conclusion (47-50) insists that the public interest is involved in his justification. If he is convicted of murder, he will have been entrapped by the law, which he trusted and obeyed.

The law of Dracon—and possibly also of Solon—to which Euphiletus appeals allowed the husband to kill his wife's seducer, if taken in the act suddenly and not by premeditation. In most cases, apparently, this extreme penalty was commuted by consent to a payment of money. This speech was delivered before a court of fifty-one judges at the Delphinium, outside the walls on the east side of Athens; it was the special court for cases in which the accused admitted homicide, but pleaded that it was justified under the law. If convicted, he would be sentenced to death, and if he got away before sentence was passed, he would suffer exile and confiscation of all his property.

Steph. p. 92.

ΛΥΣΙΟΥ

I. ΥΠΕΡ ΤΟΥ ΕΡΑΤΟΣΘΕΝΟΥΣ ΦΟΝΟΥ ΑΠΟΛΟΓΙΑ

1 Περὶ πολλοῦ ἂν ποιησαίμην, ὦ ἄνδρες, τὸ τοιούτους
ὑμᾶς ἐμοὶ δικαστὰς περὶ τούτου τοῦ πράγματος
γενέσθαι, οἷοίπερ ἂν ὑμῖν αὐτοῖς εἴητε τοιαῦτα
πεπονθότες· εὖ γὰρ οἶδ' ὅτι, εἰ τὴν αὐτὴν γνώμην
περὶ τῶν ἄλλων ἔχοιτε, ἥνπερ περὶ ὑμῶν αὐτῶν,
οὐκ ἂν εἴη ὅστις οὐκ ἐπὶ τοῖς γεγενημένοις ἀγανακτοίη,
ἀλλὰ πάντες ἂν περὶ τῶν τὰ τοιαῦτα
2 ἐπιτηδευόντων τὰς ζημίας μικρὰς ἡγοῖσθε. καὶ
[92] ταῦτα οὐκ ἂν εἴη μόνον παρ' ὑμῖν οὕτως ἐγνωσμένα,
ἀλλ' ἐν ἁπάσῃ τῇ Ἑλλάδι· περὶ τούτου γὰρ
μόνου τοῦ ἀδικήματος καὶ ἐν δημοκρατίᾳ καὶ
ὀλιγαρχίᾳ ἡ αὐτὴ τιμωρία τοῖς ἀσθενεστάτοις πρὸς
τοὺς τὰ μέγιστα δυναμένους ἀποδέδοται, ὥστε τὸν
χείριστον τῶν αὐτῶν τυγχάνειν τῷ βελτίστῳ·
οὕτως, ὦ ἄνδρες, ταύτην τὴν ὕβριν ἅπαντες
3 ἄνθρωποι δεινοτάτην ἡγοῦνται. περὶ μὲν οὖν τοῦ
μεγέθους τῆς ζημίας ἅπαντας ὑμᾶς νομίζω τὴν
αὐτὴν διάνοιαν ἔχειν, καὶ οὐδένα οὕτως ὀλιγώρως
διακεῖσθαι, ὅστις οἴεται δεῖν συγγνώμης τυγχάνειν
ἢ μικρᾶς ζημίας ἀξίους ἡγεῖται τοὺς τῶν τοιούτων

LYSIAS

I. ON THE MURDER OF ERATOSTHENES: DEFENCE

I SHOULD be only too pleased, sirs, to have you so disposed towards me in judging this case as you would be to yourselves, if you found yourselves in my plight. For I am sure that, if you had the same feelings about others as about yourselves, not one of you but would be indignant at what has been done; you would all regard the penalties appointed for those who resort to such practices as too mild. And these feelings would be found, not only amongst you, but in the whole of Greece: for in the case of this crime alone, under both democracy and oligarchy, the same requital is accorded to the weakest against the strongest, so that the lowest gets the same treatment as the highest.[a] Thus you see, sirs, how all men abominate this outrage. Well, I conceive that, in regard to the severity of the penalty, you are all of the same mind, and that not one of you is so easy-going as to think it right that men who are guilty of such acts should obtain pardon, or to presume that

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[a] The general statement in these last words shows that the full sense of the preceding is: "the same requital is accorded to the weakest against the strongest as to the strongest against the weakest."

4 ἔργων αἰτίους· ἡγοῦμαι δέ, ὦ ἄνδρες, τοῦτό με
δεῖν ἐπιδεῖξαι, ὡς ἐμοίχευεν Ἐρατοσθένης τὴν
γυναῖκα τὴν ἐμὴν καὶ ἐκείνην τε διέφθειρε καὶ τοὺς
παῖδας τοὺς ἐμοὺς ᾔσχυνε καὶ ἐμὲ αὐτὸν ὕβρισεν
εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιών, καὶ οὔτε ἔχθρα
ἐμοὶ καὶ ἐκείνῳ οὐδεμία ἦν πλὴν ταύτης, οὔτε
χρημάτων ἕνεκα ἔπραξα ταῦτα, ἵνα πλούσιος ἐκ
πένητος γένωμαι, οὔτε ἄλλου κέρδους οὐδενὸς
5 πλὴν τῆς κατὰ τοὺς νόμους τιμωρίας. ἐγὼ τοίνυν
ἐξ ἀρχῆς ὑμῖν ἅπαντα ἐπιδείξω τὰ ἐμαυτοῦ πράγματα,
οὐδὲν παραλείπων, ἀλλὰ λέγων τἀληθῆ·
ταύτην γὰρ ἐμαυτῷ μόνην ἡγοῦμαι σωτηρίαν, ἐὰν
ὑμῖν εἰπεῖν ἅπαντα δυνηθῶ τὰ πεπραγμένα.

6 Ἐγὼ γάρ, ὦ Ἀθηναῖοι, ἐπειδὴ ἔδοξέ μοι γῆμαι
καὶ γυναῖκα ἠγαγόμην εἰς τὴν οἰκίαν, τὸν μὲν
ἄλλον χρόνον οὕτω διεκείμην ὥστε μήτε λυπεῖν
μήτε λίαν ἐπ᾽ ἐκείνῃ εἶναι ὅ τι ἂν ἐθέλῃ ποιεῖν,
ἐφύλαττόν τε ὡς οἷόν τε ἦν, καὶ προσεῖχον τὸν
νοῦν ὥσπερ εἰκὸς ἦν. ἐπειδὴ δέ μοι παιδίον γίγνεται,
ἐπίστευον ἤδη καὶ πάντα τὰ ἐμαυτοῦ
ἐκείνῃ παρέδωκα, ἡγούμενος ταύτην οἰκειότητα
7 μεγίστην εἶναι· ἐν μὲν οὖν τῷ πρώτῳ χρόνῳ, ὦ
Ἀθηναῖοι, πασῶν ἦν βελτίστη· καὶ γὰρ οἰκονόμος
δεινὴ καὶ φειδωλὸς [ἀγαθὴ][1] καὶ ἀκριβῶς πάντα
διοικοῦσα· ἐπειδὴ δέ μοι ἡ μήτηρ ἐτελεύτησε,
πάντων τῶν κακῶν ἀποθανοῦσα αἰτία μοι γεγένηται.
8 ἐπ᾽ ἐκφορὰν γὰρ αὐτῇ ἀκολουθήσασα ἡ ἐμὴ γυνὴ
ὑπὸ τούτου τοῦ ἀνθρώπου ὀφθεῖσα, χρόνῳ διαφθείρεται·
ἐπιτηρῶν γὰρ τὴν θεράπαιναν τὴν εἰς
τὴν ἀγορὰν βαδίζουσαν καὶ λόγους προσφέρων ἀπώλεσεν
9 αὐτήν. πρῶτον μὲν οὖν, ὦ ἄνδρες, (δεῖ

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[1] ἀγαθὴ del. Dobree.

slight penalties suffice for their deserts. But I take it, sirs, that what I have to show is that Eratosthenes had an intrigue with my wife, and not only corrupted her but inflicted disgrace upon my children and an outrage on myself by entering my house ; that this was the one and only enmity between him and me ; that I have not acted thus for the sake of money, so as to raise myself from poverty to wealth ; and that all I seek to gain is the requital accorded by our laws. I shall therefore set forth to you the whole of my story from the beginning ; I shall omit nothing, but will tell the truth. For I consider that my own sole deliverance rests on my telling you, if I am able, the whole of what has occurred.

When I, Athenians, decided to marry, and brought a wife into my house, for some time I was disposed neither to vex her nor to leave her too free to do just as she pleased ; I kept a watch on her as far as possible, with such observation of her as was reasonable. But when a child was born to me, thenceforward I began to trust her, and placed all my affairs in her hands, presuming that we were now in perfect intimacy. It is true that in the early days, Athenians, she was the most excellent of wives ; she was a clever, frugal housekeeper, and kept everything in the nicest order. But as soon as I lost my mother, her death became the cause of all my troubles. For it was in attending her funeral that my wife was seen by this man, who in time corrupted her. He looked out for the servant-girl who went to market, and so paid addresses to her mistress by which he wrought her ruin. Now in the first place

γὰρ καὶ ταῦθ’ ὑμῖν διηγήσασθαι) οἰκίδιον ἔστι μοι
διπλοῦν, ἴσα ἔχον τὰ ἄνω τοῖς κάτω κατὰ τὴν
γυναικωνῖτιν καὶ κατὰ τὴν ἀνδρωνῖτιν. ἐπειδὴ
δὲ τὸ παιδίον ἐγένετο ἡμῖν, ἡ μήτηρ αὐτὸ ἐθήλαζεν·
ἵνα δὲ μή, ὁπότε λοῦσθαι δέοι, κινδυνεύῃ κατὰ τῆς
κλίμακος καταβαίνουσα, ἐγὼ μὲν ἄνω διῃτώμην,
10 αἱ δὲ γυναῖκες κάτω. καὶ οὕτως ἤδη συνειθισμένον
ἦν, ὥστε πολλάκις ἡ γυνὴ ἀπῄει κάτω
καθευδήσουσα ὡς τὸ παιδίον, ἵνα τὸν τιτθὸν αὐτῷ
διδῷ καὶ μὴ βοᾷ. καὶ ταῦτα πολὺν χρόνον οὕτως
ἐγίγνετο, καὶ ἐγὼ οὐδέποτε ὑπώπτευσα, ἀλλ’
οὕτως ἠλιθίως διεκείμην, ὥστε ᾤμην τὴν ἐμαυτοῦ
γυναῖκα πασῶν σωφρονεστάτην εἶναι τῶν ἐν τῇ
11 πόλει. προϊόντος δὲ τοῦ χρόνου, ὦ ἄνδρες, ἧκον
μὲν ἀπροσδοκήτως ἐξ ἀγροῦ, μετὰ δὲ τὸ δεῖπνον
τὸ παιδίον ἐβόα καὶ ἐδυσκόλαινεν ὑπὸ τῆς θεραπαίνης
ἐπίτηδες λυπούμενον, ἵνα ταῦτα ποιῇ· ὁ
12 γὰρ ἄνθρωπος ἔνδον ἦν· ὕστερον γὰρ ἅπαντα
ἐπυθόμην. καὶ ἐγὼ τὴν γυναῖκα ἀπιέναι ἐκέλευον
καὶ δοῦναι τῷ παιδίῳ τὸν τιτθόν, ἵνα παύσηται
κλᾶον. ἡ δὲ τὸ μὲν πρῶτον οὐκ ἤθελεν, ὡς ἂν
ἀσμένη με ἑωρακυῖα ἥκοντα διὰ χρόνου· ἐπειδὴ
δὲ ἐγὼ ὠργιζόμην καὶ ἐκέλευον αὐτὴν ἀπιέναι,
“ἵνα σύ γε” ἔφη “πειρᾷς ἐνταῦθα τὴν παιδίσκην·
καὶ πρότερον δὲ μεθύων εἷλκες αὐτήν.” κἀγὼ μὲν
13 ἐγέλων, ἐκείνη δὲ ἀναστᾶσα καὶ ἀπιοῦσα προστίθησι
τὴν θύραν, προσποιουμένη παίζειν, καὶ
τὴν κλεῖν ἐφέλκεται. κἀγὼ τούτων οὐδὲν ἐνθυμούμενος
οὐδ’ ὑπονοῶν ἐκάθευδον ἄσμενος,
14 ἥκων ἐξ ἀγροῦ. ἐπειδὴ δὲ ἦν πρὸς ἡμέραν, ἧκεν
[93] ἐκείνη καὶ τὴν θύραν ἀνέῳξεν. ἐρομένου δέ μου
τί αἱ θύραι νύκτωρ ψοφοῖεν, ἔφασκε τὸν λύχνον

I must tell you, sirs (for I am obliged to give you these particulars), my dwelling is on two floors, the upper being equal in space to the lower, with the women's quarters above and the men's below. When the child was born to us, its mother suckled it ; and in order that, each time that it had to be washed, she might avoid the risk of descending by the stairs, I used to live above, and the women below. By this time it had become such an habitual thing that my wife would often leave me and go down to sleep with the child, so as to be able to give it the breast and stop its crying. Things went on in this way for a long time, and I never suspected, but was simple-minded enough to suppose that my own was the chastest wife in the city. Time went on, sirs ; I came home unexpectedly from the country, and after dinner the child started crying in a peevish way, as the servant-girl was annoying it on purpose to make it so behave ; for the man was in the house,—I learnt it all later. So I bade my wife go and give the child her breast, to stop its howling. At first she refused, as though delighted to see me home again after so long ; but when I began to be angry and bade her go, —" Yes, so that you," she said, " may have a try here at the little maid. Once before, too, when you were drunk, you pulled her about." At that I laughed, while she got up, went out of the room, and closed the door, feigning to make fun, and she took the key away with her. I, without giving a thought to the matter, or having any suspicion, went to sleep in all content after my return from the country. Towards daytime she came and opened the door. I asked why the doors made a noise in the night ; she told

ἀποσβεσθῆναι τὸν παρὰ τῷ παιδίῳ, εἶτα ἐκ τῶν
γειτόνων ἐνάψασθαι. ἐσιώπων ἐγὼ καὶ ταῦτα
οὕτως ἔχειν ἡγούμην. ἔδοξε δέ μοι, ὦ ἄνδρες,
τὸ πρόσωπον ἐψιμυθιῶσθαι, τοῦ ἀδελφοῦ τεθνεῶτος
οὔπω τριάκονθ᾽ ἡμέρας· ὅμως δ᾽ οὐδ᾽ οὕτως οὐδὲν
εἰπὼν περὶ τοῦ πράγματος ἐξελθὼν ᾠχόμην ἔξω
15 σιωπῇ. μετὰ δὲ ταῦτα, ὦ ἄνδρες, χρόνου μεταξὺ
διαγενομένου καὶ ἐμοῦ πολὺ ἀπολελειμμένου τῶν
ἐμαυτοῦ κακῶν, προσέρχεταί μοί τις πρεσβῦτις
ἄνθρωπος, ὑπὸ γυναικὸς ὑποπεμφθεῖσα ἣν ἐκεῖνος
ἐμοίχευεν, ὡς ἐγὼ ὕστερον ἤκουον· αὕτη δὲ
ὀργιζομένη καὶ ἀδικεῖσθαι νομίζουσα, ὅτι οὐκέτι
ὁμοίως ἐφοίτα παρ᾽ αὐτήν, ἐφύλαττεν ἕως ἐξηῦρεν
ὅ τι εἴη τὸ αἴτιον. προσελθοῦσα οὖν μοι ἐγγὺς ἡ
ἄνθρωπος τῆς οἰκίας τῆς ἐμῆς ἐπιτηροῦσα,
“Εὐφίλητε” ἔφη “μηδεμιᾷ πολυπραγμοσύνῃ
προσεληλυθέναι με νόμιζε πρὸς σέ· ὁ γὰρ ἀνὴρ
16 ὁ ὑβρίζων εἰς σὲ καὶ τὴν σὴν γυναῖκα ἐχθρὸς ὢν
ἡμῖν τυγχάνει. ἐὰν οὖν λάβῃς τὴν θεράπαιναν τὴν
εἰς ἀγορὰν βαδίζουσαν καὶ διακονοῦσαν ὑμῖν καὶ
βασανίσῃς, ἅπαντα πεύσῃ. ἔστι δ᾽” ἔφη “Ἐρατοσθένης
Ὀῆθεν ὁ ταῦτα πράττων, ὃς οὐ μόνον
17 τὴν σὴν γυναῖκα διέφθαρκεν ἀλλὰ καὶ ἄλλας
πολλάς· ταύτην γὰρ [τὴν][1] τέχνην ἔχει.” ταῦτα
εἰποῦσα, ὦ ἄνδρες, ἐκείνη μὲν ἀπηλλάγη, ἐγὼ δ᾽
εὐθέως ἐταραττόμην, καὶ πάντα μου εἰς τὴν
γνώμην εἰσῄει, καὶ μεστὸς ἦ ὑποψίας, ἐνθυμούμενος
μὲν ὡς ἀπεκλῄσθην ἐν τῷ δωματίῳ, ἀναμιμνῃσκόμενος
δὲ ὅτι ἐν ἐκείνῃ τῇ νυκτὶ ἐψόφει ἡ
μέταυλος θύρα καὶ ἡ αὔλειος, ὃ οὐδέποτε ἐγένετο,
ἔδοξέ τέ μοι ἡ γυνὴ ἐψιμυθιῶσθαι. ταῦτά μου

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[1] τὴν del. Bekker.

me that the child's lamp had gone out, and she had lit it again at our neighbour's. I was silent and believed it was so. But it struck me, sirs, that she had powdered her face,[a] though her brother had died not thirty days before ; even so, however, I made no remark on the fact, but left the house in silence. After this, sirs, an interval occurred in which I was left quite unaware of my own injuries ; I was then accosted by a certain old female, who was secretly sent by a woman with whom that man was having an intrigue, as I heard later. This woman was angry with him and felt herself wronged, because he no longer visited her so regularly, and she was keeping a watch on him until she should discover what was the cause. So the old creature accosted me where she was on the look-out, near my house, and said,—" Euphiletus, do not think it is from any meddlesomeness that I have approached you ; for the man who is working both your and your wife's dishonour happens to be our enemy. If, therefore, you take the servant-girl who goes to market and waits on you, and torture her, you will learn all. It is," she said, " Eratosthenes of Oë who is doing this ; he has debauched not only your wife, but many others besides ; he makes an art of it." With these words, sirs, she took herself off ; I was at once perturbed ; all that had happened came into my mind, and I was filled with suspicion,—reflecting first how I was shut up in my chamber, and then remembering how on that night the inner and outer doors made a noise, which had never occurred before, and how it struck me that my wife had put on powder. All these things

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[a] Athenian women used white lead to give an artificial delicacy to their complexion ; *cf.* Aristoph. *Eccles.* 878, 929.

πάντα εἰς τὴν γνώμην εἰσῄει, καὶ μεστὸς ἦ
18 ὑποψίας. ἐλθὼν δὲ οἴκαδε ἐκέλευον ἀκολουθεῖν
μοι τὴν θεράπαιναν εἰς τὴν ἀγοράν, ἀγαγὼν δ’
αὐτὴν ὡς τῶν ἐπιτηδείων τινὰ ἔλεγον ὅτι ἐγὼ
πάντα εἴην πεπυσμένος τὰ γιγνόμενα ἐν τῇ οἰκίᾳ·
“ σοὶ οὖν ” ἔφην “ ἔξεστι δυοῖν ὁπότερον βούλει
ἑλέσθαι, ἢ μαστιγωθεῖσαν εἰς μύλωνα ἐμπεσεῖν
καὶ μηδέποτε παύσασθαι κακοῖς τοιούτοις συνεχομένην,
ἢ κατειποῦσαν ἅπαντα τἀληθῆ μηδὲν
παθεῖν κακόν, ἀλλὰ συγγνώμης παρ’ ἐμοῦ τυχεῖν
τῶν ἡμαρτημένων. ψεύσῃ δὲ μηδέν, ἀλλὰ πάντα
19 τἀληθῆ λέγε.” κἀκείνη τὸ μὲν πρῶτον ἔξαρνος
ἦν, καὶ ποιεῖν ἐκέλευεν ὅ τι βούλομαι· οὐδὲν γὰρ
εἰδέναι· ἐπειδὴ δὲ ἐγὼ ἐμνήσθην Ἐρατοσθένους
πρὸς αὐτήν, καὶ εἶπον ὅτι οὗτος ὁ φοιτῶν εἴη πρὸς
τὴν γυναῖκα, ἐξεπλάγη ἡγησαμένη με πάντα
ἀκριβῶς ἐγνωκέναι. καὶ τότε ἤδη πρὸς τὰ γόνατά
20 μου πεσοῦσα, καὶ πίστιν παρ’ ἐμοῦ λαβοῦσα μηδὲν
πείσεσθαι κακόν, κατηγόρει πρῶτον μὲν ὡς μετὰ
τὴν ἐκφορὰν αὐτῇ προσίοι, ἔπειτα ὡς αὐτὴ τελευτῶσα
εἰσαγγείλειε καὶ ὡς ἐκείνη τῷ χρόνῳ
πεισθείη, καὶ τὰς εἰσόδους οἷς τρόποις προσίοιτο,[1]
καὶ ὡς Θεσμοφορίοις ἐμοῦ ἐν ἀγρῷ ὄντος ᾤχετο
εἰς τὸ ἱερὸν μετὰ τῆς μητρὸς τῆς ἐκείνου· καὶ
τἆλλα τὰ γενόμενα πάντα ἀκριβῶς διηγήσατο.
21 ἐπειδὴ δὲ πάντα εἴρητο αὐτῇ, εἶπον ἐγώ, “ ὅπως
τοίνυν ταῦτα μηδεὶς ἀνθρώπων πεύσεται· εἰ δὲ μή,
οὐδέν σοι κύριον ἔσται τῶν πρὸς ἔμ’ ὡμολογημένων.
ἀξιῶ δέ σε ἐπ’ αὐτοφώρῳ ταῦτά μοι ἐπιδεῖξαι·
ἐγὼ γὰρ οὐδὲν δέομαι λόγων, ἀλλὰ τὸ ἔργον
22 φανερὸν γενέσθαι, εἴπερ οὕτως ἔχει.” ὡμολόγει

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[1] προσίοιτο Kayser: προσίοι MSS.

came into my mind, and I was filled with suspicion. Returning home, I bade the servant-girl follow me to the market, and taking her to the house of an intimate friend, I told her I was fully informed of what was going on in my house : " So it is open to you," I said, " to choose as you please between two things,—either to be whipped and thrown into a mill, and to be irrevocably immersed in that sort of misery, or else to speak out the whole truth and, instead of suffering any harm, obtain my pardon for your transgressions. Tell no lies, but speak the whole truth." The girl at first denied it, and bade me do what I pleased, for she knew nothing ; but when I mentioned Eratosthenes to her, and said that he was the man who visited my wife, she was dismayed, supposing that I had exact knowledge of everything. At once she threw herself down at my knees, and having got my pledge that she should suffer no harm, she accused him, first, of approaching her after the funeral, and then told how at last she became his messenger ; how my wife in time was persuaded, and by what means she procured his entrances, and how at the Thesmophoria,[a] while I was in the country, she went off to the temple with his mother. And the girl gave an exact account of everything else that had occurred. When her tale was all told, I said,—" Well now, see that nobody in the world gets knowledge of this ; otherwise, nothing in your arrangement with me will hold good. And I require that you show me their guilt in the very act ; I want no words, but manifestation of the fact, if it really is so." She agreed

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[a] A festival in honour of Demeter, celebrated by Athenian matrons in October.

ταῦτα ποιήσειν. καὶ μετὰ ταῦτα διεγένοντο ἡμέραι
τέσσαρες ἢ πέντε, . . . ὡς ἐγὼ μεγάλοις ὑμῖν
τεκμηρίοις ἐπιδείξω. πρῶτον δὲ διηγήσασθαι βούλομαι
τὰ πραχθέντα τῇ τελευταίᾳ ἡμέρᾳ. Σώστρατος
ἦν μοι ἐπιτήδειος καὶ φίλος. τούτῳ
23 ἡλίου δεδυκότος ἰόντι ἐξ ἀγροῦ ἀπήντησα. εἰδὼς
δ᾽ ἐγὼ ὅτι τηνικαῦτα ἀφιγμένος οὐδένα[1] καταλήψοιτο
οἴκοι τῶν ἐπιτηδείων, ἐκέλευον συνδειπνεῖν·
καὶ ἐλθόντες οἴκαδε ὡς ἐμέ, ἀναβάντες εἰς τὸ
ὑπερῷον ἐδειπνοῦμεν. ἐπειδὴ δὲ καλῶς αὐτῷ
[94] εἶχεν, ἐκεῖνος μὲν ἀπιὼν ᾤχετο, ἐγὼ δ᾽ ἐκάθευδον.
ὁ δ᾽ Ἐρατοσθένης, ὦ ἄνδρες, εἰσέρχεται, καὶ ἡ
θεράπαινα ἐπεγείρασά με εὐθὺς φράζει ὅτι ἔνδον
ἐστί. κἀγὼ εἰπὼν ἐκείνῃ ἐπιμελεῖσθαι τῆς θύρας,
καταβὰς σιωπῇ ἐξέρχομαι, καὶ ἀφικνοῦμαι ὡς
τὸν καὶ τόν, καὶ τοὺς μὲν ἔνδον κατέλαβον, τοὺς
24 δὲ οὐκ ἐπιδημοῦντας ηὗρον. παραλαβὼν δ᾽ ὡς
οἷόν τε ἦν πλείστους ἐκ τῶν παρόντων ἐβάδιζον.
καὶ δᾷδας λαβόντες ἐκ τοῦ ἐγγύτατα καπηλείου
εἰσερχόμεθα, ἀνεῳγμένης τῆς θύρας καὶ ὑπὸ τῆς
ἀνθρώπου παρεσκευασμένης. ὤσαντες δὲ τὴν θύραν
τοῦ δωματίου οἱ μὲν πρῶτοι εἰσιόντες ἔτι εἴδομεν
αὐτὸν κατακείμενον παρὰ τῇ γυναικί, οἱ δ᾽ ὕστερον
25 ἐν τῇ κλίνῃ γυμνὸν ἑστηκότα. ἐγὼ δ᾽, ὦ ἄνδρες,
πατάξας καταβάλλω αὐτόν, καὶ τὼ χεῖρε περιαγαγὼν
εἰς τοὔπισθεν καὶ δήσας ἠρώτων διὰ τί
ὑβρίζει εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιών. κἀκεῖνος
ἀδικεῖν μὲν ὡμολόγει, ἠντεβόλει δὲ καὶ ἱκέτευε
μὴ ἀποκτεῖναι[2] ἀλλ᾽ ἀργύριον πράξασθαι. ἐγὼ δ᾽
26 εἶπον ὅτι “ οὐκ ἐγώ σε ἀποκτενῶ, ἀλλ᾽ ὁ τῆς
πόλεως νόμος, ὃν σὺ παραβαίνων περὶ ἐλάττονος
τῶν ἡδονῶν ἐποιήσω, καὶ μᾶλλον εἵλου τοιοῦτον

to do this. Then came an interval of four or five days . . .[a] as I shall bring strong evidence to show. But first I wish to relate what took place on the last day. I had an intimate friend named Sostratus. After sunset I met him coming from the country. As I knew that, arriving at that hour, he would find none of his circle at home, I invited him to dine with me ; we came to my house, mounted to the upper room, and had dinner. When he had made a good meal, he left me and departed ; then I went to bed. Eratosthenes, sirs, entered, and the maid-servant roused me at once, and told me that he was in the house. Bidding her look after the door, I descended and went out in silence ; I called on one friend and another, and found some of them at home, while others were out of town. I took with me as many as I could among those who were there, and so came along. Then we got torches from the nearest shop, and went in ; the door was open, as the girl had it in readiness. We pushed open the door of the bedroom, and the first of us to enter were in time to see him lying down by my wife ; those who followed saw him standing naked on the bed. I gave him a blow, sirs, which knocked him down, and pulling round his two hands behind his back, and tying them, I asked him why he had the insolence to enter my house. He admitted his guilt ; then he besought and implored me not to kill him, but to exact a sum of money. To this I replied,—" It is not I who am going to kill you, but our city's law, which you have transgressed and regarded as of less account than your pleasures,

[a] Some words are missing here in the text.

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[1] *οὐδένα* Bekker: *οὐδὲν ἂν* MSS.

[2] *ἀποκτεῖναι* Hertlein: *αὐτὸν κτεῖναι* MSS.

ἁμάρτημα ἐξαμαρτάνειν εἰς τὴν γυναῖκα τὴν ἐμὴν
καὶ εἰς τοὺς παῖδας τοὺς ἐμοὺς ἢ τοῖς νόμοις
27 πείθεσθαι καὶ κόσμιος εἶναι.” οὕτως, ὦ ἄνδρες,
ἐκεῖνος τούτων ἔτυχεν ὧνπερ οἱ νόμοι κελεύουσι
τοὺς τὰ τοιαῦτα πράττοντας, οὐκ εἰσαρπασθεὶς ἐκ
τῆς ὁδοῦ, οὐδ’ ἐπὶ τὴν ἑστίαν καταφυγών, ὥσπερ
οὗτοι λέγουσι· πῶς γὰρ ἄν, ὅστις ἐν τῷ δωματίῳ
πληγεὶς κατέπεσεν εὐθύς, περιέστρεψα δ’ αὐτοῦ
τὼ χεῖρε, ἔνδον δὲ ἦσαν ἄνθρωποι τοσοῦτοι, οὓς
διαφυγεῖν οὐκ ἐδύνατο, οὔτε σίδηρον οὔτε ξύλον
οὔτε ἄλλο οὐδὲν ἔχων, ᾧ τοὺς εἰσελθόντας ἂν
28 ἠμύνατο. ἀλλ’, ὦ ἄνδρες, οἶμαι καὶ ὑμᾶς εἰδέναι
ὅτι οἱ μὴ τὰ δίκαια πράττοντες οὐχ ὁμολογοῦσι
τοὺς ἐχθροὺς λέγειν ἀληθῆ, ἀλλ’ αὐτοὶ ψευδόμενοι
καὶ τὰ τοιαῦτα μηχανώμενοι ὀργὰς τοῖς ἀκούουσι
κατὰ τῶν τὰ δίκαια πραττόντων παρασκευάζουσι.
πρῶτον μὲν οὖν ἀνάγνωθι τὸν νόμον.

ΝΟΜΟΣ

29 Οὐκ ἠμφεσβήτει, ὦ ἄνδρες, ἀλλ’ ὡμολόγει
ἀδικεῖν, καὶ ὅπως μὲν μὴ ἀποθάνῃ ἠντεβόλει καὶ
ἱκέτευεν, ἀποτίνειν δ’ ἕτοιμος ἦν χρήματα. ἐγὼ
δὲ τῷ μὲν ἐκείνου τιμήματι οὐ συνεχώρουν, τὸν
δὲ τῆς πόλεως νόμον ἠξίουν εἶναι κυριώτερον,
καὶ ταύτην ἔλαβον τὴν δίκην, ἣν ὑμεῖς δικαιοτάτην
εἶναι ἡγησάμενοι τοῖς τὰ τοιαῦτα ἐπιτηδεύουσιν
ἐτάξατε. καί μοι ἀνάβητε τούτων μάρτυρες.

choosing rather to commit this foul offence against my wife and my children than to obey the laws like a decent person."

Thus it was, sirs, that this man incurred the fate that the laws ordain for those who do such things; he had not been dragged in there from the street, nor had he taken refuge at my hearth,[a] as these people say. For how could it be so, when it was in the bedroom that he was struck and fell down then and there, and I pinioned his arms, and so many persons were in the house that he could not make his escape, as he had neither steel nor wood nor anything else with which he might have beaten off those who had entered? But, sirs, I think you know as well as I that those whose acts are against justice do not acknowledge that their enemies speak the truth, but lie themselves and use other such devices to foment anger in their hearers against those whose acts are just. So, first read the law.

LAW

He did not dispute it, sirs: he acknowledged his guilt, and besought and implored that he might not be killed, and was ready to pay compensation in money. But I would not agree to his estimate, as I held that our city's law should have higher authority; and I obtained that satisfaction which you deemed most just when you imposed it on those who adopt such courses. Now, let my witnesses come forward in support of these statements.

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[a] The hearth in a Greek house retained its primitive sanctity as a centre of the family religion, and it would be sacrilege to kill anyone there.

ΜΑΡΤΥΡΕΣ

30 Ἀνάγνωθι δέ μοι καὶ τοῦτον τὸν νόμον ‹τὸν›[1] ἐκ τῆς στήλης τῆς ἐξ Ἀρείου πάγου.

ΝΟΜΟΣ

Ἀκούετε, ὦ ἄνδρες, ὅτι αὐτῷ τῷ δικαστηρίῳ
τῷ ἐξ Ἀρείου πάγου, ᾧ καὶ πάτριόν ἐστι καὶ ἐφ'
ἡμῶν ἀποδέδοται τοῦ φόνου τὰς δίκας δικάζειν,
διαρρήδην εἴρηται τούτου μὴ καταγιγνώσκειν
φόνον,[2] ὃς ἂν ἐπὶ δάμαρτι τῇ ἑαυτοῦ μοιχὸν λαβὼν
31 ταύτην τὴν τιμωρίαν ποιήσηται. καὶ οὕτω σφόδρα
ὁ νομοθέτης ἐπὶ ταῖς γαμεταῖς γυναιξὶ δίκαια
ταῦτα ἡγήσατο εἶναι, ὥστε καὶ ἐπὶ ταῖς παλλακαῖς
ταῖς ἐλάττονος ἀξίαις τὴν αὐτὴν δίκην ἐπέθηκε.
καίτοι δῆλον ὅτι, εἴ τινα εἶχε ταύτης μείζω
τιμωρίαν ἐπὶ ταῖς γαμεταῖς, ἐποίησεν ἄν. νῦν
δὲ οὐχ οἷός τε ὢν ταύτης ἰσχυροτέραν ἐπ' ἐκείναις
ἐξευρεῖν, τὴν αὐτὴν καὶ ἐπὶ ταῖς παλλακαῖς ἠξίωσε
γίγνεσθαι. ἀνάγνωθι δέ μοι καὶ τοῦτον τὸν
νόμον.

ΝΟΜΟΣ

32 Ἀκούετε, ἄνδρες, ὅτι κελεύει, ἐάν τις ἄνθρωπον ἐλεύθερον ἢ παῖδα αἰσχύνῃ βίᾳ, διπλῆν τὴν βλάβην ὀφείλειν· ἐὰν δὲ γυναῖκα, ἐφ' αἷσπερ ἀποκτείνειν ἔξεστιν, ἐν τοῖς αὐτοῖς ἐνέχεσθαι· οὕτως, ὦ ἄνδρες, τοὺς βιαζομένους ἐλάττονος ζημίας ἀξίους ἡγήσατο εἶναι ἢ τοὺς πείθοντας· τῶν μὲν γὰρ θάνατον κατέγνω, τοῖς δὲ διπλῆν ἐποίησε τὴν βλάβην, ἡγούμενος τοὺς μὲν δια-

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[1] τὸν add. Westermann.

[2] τούτου . . . φόνον Reiske: τοῦτον . . . φόνου MSS.

Witnesses

Read out also, please, that law from the pillar in the Areopagus.

Law

You hear, sirs, how the Court of the Areopagus itself, to which has been assigned, in our own as in our fathers' time, the trial of suits for murder, has expressly stated that whoever takes this vengeance on an adulterer caught in the act with his spouse shall not be convicted of murder. And so strongly was the lawgiver convinced of the justice of this in the case of wedded wives, that he even applied the same penalty in the case of mistresses, who are of less account. Now surely it is clear that, if he had had any heavier punishment than this for the case of married women, he would have imposed it. But in fact, as he was unable to devise a severer one for this case, he ordained that it should be the same for that of mistresses also. Please read this law besides.

Law

You hear, sirs, how it directs that, if anyone forcibly debauches a free adult or child, he shall be liable to double[a] damages ; while if he so debauches a woman, in one of the cases where it is permitted to kill him, he is subject to the same rule. Thus the lawgiver, sirs, considered that those who use force deserve a less penalty than those who use persuasion ; for the latter he condemned to death, whereas for the former he doubled the damages, considering that

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[a] *i.e.*, double the amount laid down for violating a slave.

33 πραττομένους βίᾳ ὑπὸ τῶν βιασθέντων μισεῖσθαι,
τοὺς δὲ πείσαντας οὕτως αὐτῶν τὰς ψυχὰς διαφθείρειν,
ὥστ᾽ οἰκειοτέρας αὐτοῖς ποιεῖν τὰς ἀλλοτρίας
[95] γυναῖκας ἢ τοῖς ἀνδράσι, καὶ πᾶσαν ἐπ᾽
ἐκείνοις τὴν οἰκίαν γεγονέναι, καὶ τοὺς παῖδας
ἀδήλους εἶναι ὁποτέρων τυγχάνουσιν ὄντες, τῶν
ἀνδρῶν ἢ τῶν μοιχῶν. ἀνθ᾽ ὧν ὁ τὸν νόμον
34 τιθεὶς θάνατον αὐτοῖς ἐποίησε τὴν ζημίαν. ἐμοῦ
τοίνυν, ὦ ἄνδρες, οἱ μὲν νόμοι οὐ μόνον ἀπεγνωκότες
εἰσὶ μὴ ἀδικεῖν, ἀλλὰ καὶ κεκελευκότες
ταύτην τὴν δίκην λαμβάνειν· ἐν ὑμῖν δ᾽ ἐστὶ
πότερον χρὴ τούτους ἰσχυροὺς ἢ μηδενὸς ἀξίους
35 εἶναι. ἐγὼ μὲν γὰρ οἶμαι πάσας τὰς πόλεις διὰ
τοῦτο τοὺς νόμους τίθεσθαι, ἵνα περὶ ὧν ἂν πραγμάτων
ἀπορῶμεν, παρὰ τούτους ἐλθόντες σκεψώμεθα
ὅ τι ἡμῖν ποιητέον ἐστίν. οὗτοι τοίνυν περὶ
τῶν τοιούτων τοῖς ἀδικουμένοις τοιαύτην δίκην
36 λαμβάνειν παρακελεύονται. οἷς ὑμᾶς ἀξιῶ τὴν
αὐτὴν γνώμην ἔχειν· εἰ δὲ μή, τοιαύτην ἄδειαν
τοῖς μοιχοῖς ποιήσετε, ὥστε[1] καὶ τοὺς κλέπτας
ἐπαρεῖτε φάσκειν μοιχοὺς εἶναι, εὖ εἰδότας ὅτι,
ἐὰν ταύτην τὴν αἰτίαν περὶ ἑαυτῶν λέγωσι καὶ
ἐπὶ τούτῳ φάσκωσιν εἰς τὰς ἀλλοτρίας οἰκίας
εἰσιέναι, οὐδεὶς αὐτῶν ἅψεται. πάντες γὰρ εἴσονται
ὅτι τοὺς μὲν νόμους τῆς μοιχείας χαίρειν ἐᾶν
δεῖ, τὴν δὲ ψῆφον τὴν ὑμετέραν δεδιέναι· αὕτη
γάρ ἐστι πάντων τῶν ἐν τῇ πόλει κυριωτάτη.
37 Σκέψασθε δέ, ὦ ἄνδρες· κατηγοροῦσι γάρ μου
ὡς ἐγὼ τὴν θεράπαιναν ἐν ἐκείνῃ τῇ ἡμέρᾳ
μετελθεῖν ἐκέλευσα τὸν νεανίσκον. ἐγὼ δέ, ὦ
ἄνδρες, δίκαιον μὲν ἂν ποιεῖν ἡγούμην ᾡτινιοῦν
τρόπῳ τὸν τὴν γυναῖκα τὴν ἐμὴν διαφθείραντα

those who achieve their ends by force are hated by the persons forced ; while those who used persuasion corrupted thereby their victims' souls, thus making the wives of others more closely attached to themselves than to their husbands, and got the whole house into their hands, and caused uncertainty as to whose the children really were, the husbands' or the adulterers'. In view of all this the author of the law made death their penalty. Wherefore I, sirs, not only stand acquitted of wrongdoing by the laws, but am also directed by them to take this satisfaction : it is for you to decide whether they are to be valid or of no account. For to my thinking every city makes its laws in order that on any matter which perplexes us we may resort to them and inquire what we have to do. And so it is they who, in cases like the present, exhort the wronged parties to obtain this kind of satisfaction. I call upon you to support their opinion : otherwise, you will be giving adulterers such licence that you will encourage thieves as well to call themselves adulterers ; since they will feel assured that, if they plead this reason in their defence, and allege that they enter other men's houses for this purpose, nobody will touch them. For everyone will know that the laws on adultery are to be given the go-by, and that it is your vote that one has to fear, because this has supreme authority over all the city's affairs.

Do but consider, sirs, what they say : they accuse me of ordering the maid-servant on that day to go and fetch the young man. Now I, sirs, could have held myself justified in using any possible means to catch the corrupter of my wife. For if I had bidden the

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[1] ὥστε Baiter et Sauppe : ὡς MSS.

38 λαμβάνων· εἰ μὲν γὰρ λόγων εἰρημένων ἔργου δὲ
μηδενὸς γεγενημένου μετελθεῖν ἐκέλευον ἐκεῖνον,
ἠδίκουν ἄν· εἰ δὲ ἤδη πάντων διαπεπραγμένων
καὶ πολλάκις εἰσεληλυθότος εἰς τὴν οἰκίαν τὴν
ἐμὴν ᾡτινιοῦν τρόπῳ ἐλάμβανον αὐτόν, σωφρονεῖν
39 ⟨ἂν⟩[1] ἐμαυτὸν ἡγούμην· σκέψασθε δὲ ὅτι καὶ
ταῦτα ψεύδονται· ῥᾳδίως δὲ ἐκ τῶνδε γνώσεσθε.
ἐμοὶ γάρ, ὦ ἄνδρες, ὅπερ καὶ πρότερον εἶπον,
φίλος ὢν Σώστρατος καὶ οἰκείως διακείμενος
ἀπαντήσας ἐξ ἀγροῦ περὶ ἡλίου δυσμὰς συνεδείπνει,
καὶ ἐπειδὴ καλῶς εἶχεν αὐτῷ, ἀπιὼν ᾤχετο.
40 καίτοι πρῶτον μέν, ὦ ἄνδρες, ἐνθυμήθητε· [ὅτι][2]
εἰ ἐν ἐκείνῃ τῇ νυκτὶ ἐγὼ ἐπεβούλευον Ἐρατοσθένει,
πότερον ἦν μοι κρεῖττον αὐτῷ ἑτέρωθι
δειπνεῖν ἢ τὸν συνδειπνήσοντά μοι εἰσαγαγεῖν;
οὕτω γὰρ ἂν ἧττον ἐτόλμησεν ἐκεῖνος εἰσελθεῖν
εἰς τὴν οἰκίαν. εἶτα δοκῶ ἂν ὑμῖν τὸν συνδειπνοῦντα
ἀφεὶς μόνος καταλειφθῆναι καὶ ἔρημος
γενέσθαι, ἢ κελεύειν ἐκεῖνον μεῖναι,[3] ἵνα μετ᾽ ἐμοῦ
41 τὸν μοιχὸν ἐτιμωρεῖτο; ἔπειτα, ὦ ἄνδρες, οὐκ ἂν
δοκῶ ὑμῖν τοῖς ἐπιτηδείοις μεθ᾽ ἡμέραν παραγγεῖλαι,
καὶ κελεῦσαι αὐτοὺς συλλεγῆναι εἰς οἰκίαν
⟨του⟩[4] τῶν φίλων τῶν ἐγγυτάτω, μᾶλλον ἢ ἐπειδὴ
τάχιστα ᾐσθόμην τῆς νυκτὸς περιτρέχειν, οὐκ
εἰδὼς ὅντινα οἴκοι καταλήψομαι καὶ ὅντινα ἔξω;
καὶ ὡς Ἁρμόδιον μὲν καὶ τὸν δεῖνα ἦλθον οὐκ
ἐπιδημοῦντας (οὐ γὰρ ᾔδη), ἑτέρους δὲ οὐκ ἔνδον
ὄντας κατέλαβον, οὓς δ᾽ οἷός τε ἦ λαβὼν ἐβάδιζον.

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[1] ἂν add. Taylor.

[2] ὅτι del. Reiske.

[3] μεῖναι Fuhr: μὲν εἶναι, μένειν MSS.

[4] του add. Gernet et Bizor.

girl fetch him, when words alone had been spoken and no act had been committed, I should have been in the wrong: but if, when once he had compassed all his ends, and had frequently entered my house, I had then used any possible means to catch him, I should have considered myself quite in order. And observe how on this point also they are lying: you will perceive it easily in this way. As I told you, sirs, before, Sostratus was a friend of mine, on intimate terms with me; he met me as he came from the country about sunset, and had dinner with me, and when he had made a good meal he left me and departed. Now in the first place, sirs, you must bear this in mind: if on that night I had designs on Eratosthenes, which was more to my advantage,—to go and take my dinner elsewhere, or to bring in my guest to dinner with me? For in the latter case that man would have been less likely to venture on entering my house. And in the second place, do you suppose that I should have let my dinner-guest go and leave me there alone and unsupported, and not rather have bidden him stay, in order that he might stand by me in taking vengeance upon the adulterer? Then again, sirs, do you not think that I should have sent word to my intimate acquaintances in the daytime, and bidden them assemble at the house of one of my friends living nearest to me, rather than have waited till the moment of making my discovery to run round in the night, without knowing whom I should find at home, and who were away? Thus I called on Harmodius, and one other, who were not in town—of this I was not aware—and others, I found, were not in; but those whom I could I took along with me. Yet if I had foreknown this,

42 καίτοιγε εἰ προῄδη, οὐκ ἂν δοκῶ ὑμῖν καὶ θεράποντας
παρασκευάσασθαι καὶ τοῖς φίλοις παραγγεῖλαι,
ἵν᾽ ὡς ἀσφαλέστατα μὲν αὐτὸς εἰσῄα (τί
γὰρ ᾔδη εἴ τι κἀκεῖνος εἶχε σιδήριον;), ὡς μετὰ
πλείστων δὲ μαρτύρων τὴν τιμωρίαν ἐποιούμην;
νῦν δ᾽ οὐδὲν εἰδὼς τῶν ἐσομένων ἐκείνῃ τῇ νυκτί,
οὓς οἷός τε ἦ παρέλαβον. καί μοι ἀνάβητε
τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ

43 Τῶν μὲν μαρτύρων ἀκηκόατε, ὦ ἄνδρες· σκέψασθε
δὲ παρ᾽ ὑμῖν αὐτοῖς οὕτως περὶ τούτου τοῦ
πράγματος, ζητοῦντες εἴ τις ἐμοὶ καὶ Ἐρατοσθένει
ἔχθρα πώποτε γεγένηται πλὴν ταύτης. οὐδεμίαν
44 γὰρ εὑρήσετε. οὔτε γὰρ συκοφαντῶν γραφάς με
ἐγράψατο, οὔτε ἐκβάλλειν ἐκ τῆς πόλεως ἐπεχείρησεν,
οὔτε ἰδίας δίκας ἐδικάζετο, οὔτε συνῄδει
κακὸν οὐδὲν ὃ ἐγὼ δεδιὼς μή τις πύθηται ἐπεθύμουν
αὐτὸν ἀπολέσαι, οὔτε εἰ ταῦτα διαπραξαίμην,[1]
ἤλπιζόν ποθεν[2] χρήματα λήψεσθαι· ἔνιοι γὰρ
τοιούτων πραγμάτων ἕνεκα θάνατον ἀλλήλοις
45 ἐπιβουλεύουσι. τοσούτου τοίνυν δεῖ ἢ λοιδορία
[96] ἢ παροινία ἢ ἄλλη τις διαφορὰ ἡμῖν γεγονέναι,
ὥστε οὐδὲ ἑωρακὼς ἦ τὸν ἄνθρωπον πώποτε πλὴν
ἐν ἐκείνῃ τῇ νυκτί. τί ἂν οὖν βουλόμενος ἐγὼ
τοιοῦτον κίνδυνον ἐκινδύνευον, εἰ μὴ τὸ μέγιστον
46 τῶν ἀδικημάτων ἦ ὑπ᾽ αὐτοῦ ἠδικημένος; ἔπειτα
παρακαλέσας αὐτὸς μάρτυρας ἠσέβουν, ἐξόν μοι,
εἴπερ ἀδίκως ἐπεθύμουν αὐτὸν ἀπολέσαι, μηδένα
μοι τούτων συνειδέναι;

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[1] διαπραξαίμην Lipsius: διεπραξάμην MSS.

[2] ποθεν Emperius: μὲν codd. plerique, om. duo.

do you not think that I should have called up servants and passed the word to my friends, in order that I might have gone in myself with all possible safety,—for how could I tell whether he too had some weapon ?—and so I might have had as many witnesses as possible with me when I took my vengeance ? But as in fact I knew nothing of what was to befall on that night, I took with me those whom I could. Now let my witnesses come forward in support of all this.

Witnesses

You have heard the witnesses, sirs ; and consider this affair further in your own minds, asking yourselves whether any enmity has ever arisen before this between me and Eratosthenes. I say you will discover none. For he had neither subjected me to slanderous impeachment, nor attempted to expel me from the city, nor brought any private suit against me, nor was he privy to any wrongdoing which I was so afraid of being divulged that I was intent on his destruction, nor, should I accomplish this, had I any hope of getting money from anywhere : for there are people who plot each other's death for such purposes. So far, indeed, from either abuse or a drunken brawl or any other quarrel having occurred between us, I had never even seen the man before that night. For what object, then, should I run so grave a risk, unless I had received from him the greatest of injuries ? Why, again, did I choose to summon witnesses for my wicked act, when it was open to me, if I was thus criminally intent on his destruction, to have none of them privy to it ?

47 Ἐγὼ μὲν οὖν, ὦ ἄνδρες, οὐκ ἰδίαν ὑπὲρ ἐμαυτοῦ
νομίζω ταύτην γενέσθαι τὴν τιμωρίαν, ἀλλ' ὑπὲρ
τῆς πόλεως ἁπάσης· οἱ γὰρ τοιαῦτα πράττοντες,
ὁρῶντες οἷα τὰ ἆθλα πρόκειται τῶν τοιούτων
ἁμαρτημάτων, ἧττον εἰς τοὺς ἄλλους ἐξαμαρτήσονται,
ἐὰν καὶ ὑμᾶς ὁρῶσι τὴν αὐτὴν γνώμην
48 ἔχοντας. εἰ δὲ μή, πολὺ κάλλιον τοὺς μὲν κειμένους
νόμους ἐξαλεῖψαι, ἑτέρους δὲ θεῖναι, οἵτινες
τοὺς μὲν φυλάττοντας τὰς ἑαυτῶν γυναῖκας ταῖς
ζημίαις ζημιώσουσι, τοῖς δὲ βουλομένοις εἰς αὐτὰς
49 ἁμαρτάνειν πολλὴν ἄδειαν ποιήσουσι. πολὺ γὰρ
οὕτω δικαιότερον ἢ ὑπὸ τῶν νόμων τοὺς πολίτας
ἐνεδρεύεσθαι, οἳ κελεύουσι μέν, ἐάν τις μοιχὸν
λάβῃ, ὅ τι ἂν οὖν βούληται χρῆσθαι, οἱ δ' ἀγῶνες
δεινότεροι τοῖς ἀδικουμένοις καθεστήκασιν ἢ τοῖς
παρὰ τοὺς νόμους τὰς ἀλλοτρίας καταισχύνουσι
50 γυναῖκας. ἐγὼ γὰρ νῦν καὶ περὶ τοῦ σώματος καὶ
περὶ τῶν χρημάτων καὶ περὶ τῶν ἄλλων ἁπάντων
κινδυνεύω, ὅτι τοῖς τῆς πόλεως νόμοις ἐπειθόμην.

I therefore, sirs, do not regard this requital as having been exacted in my own private interest, but in that of the whole city. For those who behave in that way, when they see the sort of reward that is in store for such transgressions, will be less inclined to trespass against their neighbours, if they see that you also take the same view. Otherwise it were better far to erase our established laws, and ordain others which will inflict the penalties on men who keep watch on their own wives, and will allow full immunity to those who would debauch them. This would be a far juster way than to let the citizens be entrapped by the laws ; these may bid a man, on catching an adulterer, to deal with him in whatever way he pleases, but the trials are found to be more dangerous to the wronged parties than to those who, in defiance of the laws, dishonour the wives of others. For I am now risking the loss of life, property and all else that I have, because I obeyed the city's laws.

II. FUNERAL ORATION

INTRODUCTION

This speech appears to be a rhetorical exercise in the manner of the eulogies which were delivered by persons of recognized distinction at the public funerals of Athenian citizens who had fallen in war : the whole ceremony on these occasions was arranged and conducted by the State, and it usually included games and competitions. The most famous of such orations—that spoken by Pericles in 431 B.C.—has been preserved for us, with some modulation of form, in the History of Thucydides (ii. 35-46), and we possess one, as it was originally composed, by Hypereides (323 B.C.). The Corinthian War, during which the present oration purports to have been delivered, was a struggle in which Athens ranged herself with Thebes, Corinth and Argos against Sparta (395–386 B.C.), when the latter had exasperated Greece by her illiberal use of the power that she acquired after Aegospotami (405 B.C.). Defeated by Sparta at Corinth and Coronea in 394, the Confederates yet succeeded in holding Corinth and confining the Spartans for a while within the Peloponnese. In 394 also the Persian fleet under the Athenian Conon defeated the fleet assembled by the Spartan Peisander at Cnidus ; and the support of this Persian force enabled Athens in 393 to rebuild her Long Walls and fortify the Peiraeus. After some Spartan successes at Corinth in 392–391, the scale was again turned by the skilful tactics of the Athenian Iphicrates. In 386 both sides, weary of sharp fighting with no decisive result, submitted to the Peace of Antalcidas, dictated by the Persian king Artaxerxes.

The particular occasion for which this oration might be supposed to have been designed cannot be specified with any certainty : it might be just after a defeat at Corinth in 392, or some later action. The attribution of the oration to Lysias has been much disputed. Aristotle (*Rhet.* iii. 10) quotes some words of it as though it were famous, but does not name its author. Dionysius of Halicarnassus makes no mention of it in his essay on Lysias, or in discussing the similar oration in the Platonic *Menexenus.* Jebb (*Attic Orators*, ix) found the internal evidence " overwhelmingly against the authorship of Lysias," noting the absence of his characteristic simplicity, grace, clearness and sense of symmetry. Yet it may well be that Lysias, when asked to produce an example of his skill in this type of composition,—possibly for actual use by a person whose distinctions did not include eminence in oratory,—found himself somewhat embarrassed by the traditional theme of ancestral valour, and showed a certain awkwardness of experiment in an attempt to rival the sententious formality of the sophists.

II. ΕΠΙΤΑΦΙΟΣ
ΤΟΙΣ ΚΟΡΙΝΘΙΩΝ ΒΟΗΘΟΙΣ

1 Εἰ μὲν ἡγούμην οἷόν τε εἶναι, ὦ παρόντες ἐπὶ
[190] τῷδε τῷ τάφῳ, λόγῳ δηλῶσαι τὴν τῶν ἐνθάδε
κειμένων ἀνδρῶν ἀρετήν, ἐμεμψάμην ἂν τοῖς
ἐπαγγείλασιν ἐπ᾽ αὐτοῖς ἐξ ὀλίγων ἡμερῶν λέγειν·
ἐπειδὴ δὲ πᾶσιν ἀνθρώποις ὁ πᾶς χρόνος οὐχ
ἱκανὸς λόγον ἴσον παρασκευάσαι τοῖς τούτων
ἔργοις, διὰ τοῦτο καὶ ἡ πόλις μοι δοκεῖ, προνοουμένη
τῶν ἐνθάδε λεγόντων, ἐξ ὀλίγου τὴν πρόσταξιν
ποιεῖσθαι, ἡγουμένη οὕτως ἂν μάλιστα συγγνώμης
2 αὐτοὺς παρὰ τῶν ἀκουσάντων τυγχάνειν. ὅμως
δὲ ὁ μὲν λόγος μοι περὶ τούτων, ὁ δ᾽ ἀγὼν οὐ πρὸς
τὰ τούτων ἔργα ἀλλὰ πρὸς τοὺς πρότερον ἐπ᾽
αὐτοῖς εἰρηκότας. τοσαύτην γὰρ ἀφθονίαν παρεσκεύασεν
ἡ τούτων ἀρετὴ καὶ τοῖς ποιεῖν δυναμένοις
καὶ τοῖς εἰπεῖν βουληθεῖσιν, ὥστε καλὰ μὲν πολλὰ
τοῖς προτέροις περὶ αὐτῶν εἰρῆσθαι, πολλὰ δὲ καὶ
ἐκείνοις παραλελεῖφθαι, ἱκανὰ δὲ καὶ τοῖς ἐπιγιγνομένοις
ἐξεῖναι εἰπεῖν· οὔτε γὰρ γῆς ἄπειροι
οὔτε θαλάττης οὐδεμιᾶς, πανταχῇ δὲ καὶ παρὰ
πᾶσιν ἀνθρώποις οἱ τὰ αὐτῶν πενθοῦντες κακὰ
τὰς τούτων ἀρετὰς ὑμνοῦσι.
3 Πρῶτον μὲν οὖν τοὺς παλαιοὺς κινδύνους τῶν

II. FUNERAL ORATION FOR THE MEN WHO SUPPORTED THE CORINTHIANS

If I believed it possible, friends who are attending this burial, to set forth in speech the valour of the men who lie here, I should have reproved those who gave me but a few days' notice of having to speak over them. But as all mankind would find all time insufficient for preparing a speech to match their deeds, the city itself therefore, as I think, taking forethought for those who speak here, makes the appointment at short notice, in the belief that on such terms they will most readily obtain indulgence from their hearers. However, while my speech is about these men, my contest is not with their deeds, but with the speakers who have preceded me in praising them. For their valour has provided matter in such abundance, alike for those who are able to compose in verse and for those who have chosen to make a speech, that, although many fair things have been spoken by those who preceded me, there are many that even they have omitted, and plenty more remain to be said by those who succeed them; since nowhere is there any land or sea on which they did not venture, and in every place and every nation the people, in lamenting their own disasters, glorify the valorous deeds of these men.

So now, in the first place, I shall recount the ancient

προγόνων δίειμι, μνήμην παρὰ τῆς φήμης λαβών·
ἄξιον γὰρ πᾶσιν ἀνθρώποις κἀκείνων μεμνῆσθαι,
ὑμνοῦντας μὲν ἐν ταῖς ᾠδαῖς, λέγοντας δ' ἐν ταῖς
τῶν ἀγαθῶν γνώμαις, τιμῶντας δ' ἐν τοῖς καιροῖς
τοῖς τοιούτοις, παιδεύοντας δ' ἐν τοῖς τῶν τεθνεώτων
ἔργοις τοὺς ζῶντας.
4 Ἀμαζόνες γὰρ Ἄρεως μὲν τὸ παλαιὸν ἦσαν
θυγατέρες, οἰκοῦσαι [δὲ][1] παρὰ τὸν Θερμώδοντα
ποταμόν, μόναι μὲν ὡπλισμέναι σιδήρῳ τῶν περὶ
αὐτάς, πρῶται δὲ τῶν πάντων ἐφ' ἵππους ἀναβᾶσαι,
οἷς ἀνελπίστως δι' ἀπειρίαν τῶν ἐναντίων ᾕρουν
μὲν τοὺς φεύγοντας, ἀπέλειπον δὲ τοὺς διώκοντας·
ἐνομίζοντο δὲ διὰ τὴν εὐψυχίαν μᾶλλον ἄνδρες ἢ
διὰ τὴν φύσιν γυναῖκες· πλέον γὰρ ἐδόκουν τῶν
ἀνδρῶν ταῖς ψυχαῖς διαφέρειν ἢ ταῖς ἰδέαις
5 ἐλλείπειν. ἄρχουσαι δὲ πολλῶν ἐθνῶν, καὶ ἔργῳ
μὲν τοὺς περὶ αὐτὰς καταδεδουλωμέναι, λόγῳ
δὲ περὶ τῆσδε τῆς χώρας ἀκούουσαι κλέος μέγα,
πολλῆς δόξης καὶ μεγάλης ἐλπίδος χάριν παραλαβοῦσαι
τὰ μαχιμώτατα τῶν ἐθνῶν ἐστράτευσαν
ἐπὶ τήνδε τὴν πόλιν. τυχοῦσαι δ' ἀγαθῶν ἀνδρῶν
ὁμοίας ἐκτήσαντο τὰς ψυχὰς τῇ φύσει, καὶ ἐναντίαν
τὴν δόξαν τῆς προτέρας λαβοῦσαι μᾶλλον ἐκ
τῶν κινδύνων ἢ ἐκ τῶν σωμάτων ἔδοξαν εἶναι
6 γυναῖκες. μόναις δ' αὐταῖς οὐκ ἐξεγένετο ἐκ τῶν
[191] ἡμαρτημένων μαθούσαις περὶ τῶν λοιπῶν ἄμεινον
βουλεύσασθαι, οὐδ' οἴκαδε ἀπελθούσαις ἀπαγγεῖλαι
τήν τε σφετέραν αὐτῶν δυστυχίαν καὶ τὴν
τῶν ἡμετέρων προγόνων ἀρετήν· αὐτοῦ γὰρ
ἀποθανοῦσαι, καὶ δοῦσαι δίκην τῆς ἀνοίας, τῆσδε

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[1] δὲ del. Markland.

ordeals of our ancestors, drawing remembrance thereof from their renown. For they also are events which all men ought to remember, glorifying them in their songs, and describing them in the sage sayings of worthy minds ; honouring them on such occasions as this, and finding in the achievements of the dead so many lessons for the living.

In ancient times were the Amazons, daughters of Ares, dwelling beside the river Thermodon[a] ; they alone of the people round about were armed with iron, and they were first of all to mount horses, with which, owing to the inexperience of their foes, they surprised them and either caught those who fled, or outstripped those who pursued. They were accounted as men for their high courage, rather than as women for their sex ; so much more did they seem to excel men in their spirit than to be at a disadvantage in their form. Ruling over many nations, they had in fact achieved the enslavement of those around them ; yet, hearing by report concerning this our country how great was its renown, they were moved by increase of glory and high ambition to muster the most warlike of the nations and march with them against this city. But having met with valiant men they found their spirit now was like to their sex ; the repute that they got was the reverse of the former, and by their perils rather than by their bodies they were deemed to be women. They stood alone in failing to learn from their mistakes, and so to be better advised in their future actions ; they would not return home and report their own misfortune and our ancestors' valour : for they perished on the spot, and were punished for their folly, thus

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[a] In Pontus, flowing into the Euxine.

μὲν τῆς πόλεως διὰ τὴν ἀρετὴν ἀθάνατον <τὴν>[1]
μνήμην ἐποίησαν,[2] τὴν δὲ ἑαυτῶν πατρίδα διὰ τὴν
ἐνθάδε συμφορὰν ἀνώνυμον κατέστησαν. ἐκεῖναι
μὲν οὖν τῆς ἀλλοτρίας ἀδίκως ἐπιθυμήσασαι τὴν
ἑαυτῶν δικαίως ἀπώλεσαν.

7 Ἀδράστου δὲ καὶ Πολυνείκους ἐπὶ Θήβας
στρατευσάντων καὶ ἡττηθέντων μάχῃ, οὐκ ἐών-
των Καδμείων θάπτειν τοὺς νεκρούς, Ἀθηναῖοι
ἡγησάμενοι ἐκείνους μέν, εἴ τι ἠδίκουν, ἀποθανόν-
τας δίκην ἔχειν τὴν μεγίστην, τοὺς δὲ κάτω τὰ
αὑτῶν οὐ κομίζεσθαι, ἱερῶν δὲ μιαινομένων τοὺς
ἄνω θεοὺς ἀσεβεῖσθαι, τὸ μὲν πρῶτον πέμψαντες
κήρυκας ἐδέοντο αὐτῶν δοῦναι τῶν νεκρῶν ἀν-
8 αίρεσιν, νομίζοντες ἀνδρῶν μὲν ἀγαθῶν εἶναι ζῶν-
τας τοὺς ἐχθροὺς τιμωρήσασθαι, ἀπιστούντων δὲ
σφίσιν αὐτοῖς ἐν τοῖς τῶν τεθνεώτων σώμασι τὴν
εὐψυχίαν ἐπιδείκνυσθαι· οὐ δυνάμενοι δὲ τούτων
τυχεῖν ἐστράτευσαν ἐπ᾽ αὐτούς, οὐδεμιᾶς διαφορᾶς
πρότερον πρὸς Καδμείους ὑπαρχούσης, οὐδὲ τοῖς
9 ζῶσιν Ἀργείων χαριζόμενοι, ἀλλὰ τοὺς τεθνεῶτας
ἐν τῷ πολέμῳ ἀξιοῦντες τῶν νομιζομένων τυγχάνειν
πρὸς τοὺς ἑτέρους ὑπὲρ ἀμφοτέρων ἐκινδύνευσαν,
ὑπὲρ μὲν τῶν, ἵνα μηκέτι εἰς τοὺς τεθνεῶτας ἐξ-
αμαρτάνοντες πλείω περὶ τοὺς θεοὺς ἐξυβρίσωσιν,
ὑπὲρ δὲ τῶν ἑτέρων, ἵνα μὴ πρότερον εἰς τὴν
αὑτῶν ἀπέλθωσι πατρίου τιμῆς ἀτυχήσαντες καὶ
Ἑλληνικοῦ νόμου στερηθέντες καὶ κοινῆς ἐλπίδος
10 ἡμαρτηκότες. ταῦτα διανοηθέντες, καὶ τὰς ἐν τῷ
πολέμῳ τύχας κοινὰς ἁπάντων ἀνθρώπων νομί-
ζοντες, πολλοὺς μὲν πολεμίους κτώμενοι, τὸ δὲ

[1] τὴν add. Sauppe. [2] ἐποίησαν Bekker: ἐποιήσαντο MSS.

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[a] King of Argos, and father-in-law of Polyneices, who

making our city's memory imperishable for its valour; while owing to their disaster in this region they rendered their own country nameless. And so those women, by their unjust greed for others' land, justly lost their own.

When Adrastus[a] and Polyneices had marched against Thebes and had been vanquished in battle, and the Cadmeans would not allow the corpses to be buried, the Athenians decided that, if those men had done some wrong, they had paid by their death the heaviest penalty, while the gods below were not obtaining their dues, and by the pollution of the shrines the gods above were being treated with impiety: so first they sent heralds and requested permission to take up the corpses, considering it to be the duty of brave men to take vengeance on their enemies while they lived, but a mark of self-distrust to display their valour over the bodies of the dead. When they failed to obtain this, they marched against them: no previous quarrel subsisted between them and the Cadmeans, nor did they wish to gratify the Argives who were yet living; but thinking it right that those who had died in the war should receive the customary treatment, they risked combat with one of the parties in the interest of both, that on the one side they should cease from grossly outraging the gods by their trespass against the dead, and that on the other they should not hasten away to their own land frustrated of an ancestral honour, cut off from Hellenic custom, and disappointed in a common hope. With these thoughts in their minds, and holding that the fortunes of war are shared by all men in common, they faced a

went with him on the expedition against Thebes, the city of the Cadmeans, to claim the throne held there by Creon.

δίκαιον ἔχοντες σύμμαχον ἐνίκων μαχόμενοι. καὶ οὐχ ὑπὸ τῆς τύχης ἐπαρθέντες μείζονος παρὰ Καδμείων τιμωρίας ἐπεθύμησαν, ἀλλ' ἐκείνοις μὲν ἀντὶ τῆς ἀσεβείας τὴν ἑαυτῶν ἀρετὴν ἐπεδείξαντο, αὐτοὶ δὲ λαβόντες τὰ ἆθλα ὧνπερ ἕνεκα ἀφίκοντο, τοὺς Ἀργείων νεκρούς, ἔθαψαν ἐν τῇ αὐτῶν Ἐλευσῖνι. περὶ μὲν οὖν τοὺς ἀποθανόντας τῶν ἑπτὰ ἐπὶ Θήβας τοιοῦτοι γεγόνασιν.

11 Ὑστέρῳ δὲ χρόνῳ, ἐπειδὴ Ἡρακλῆς μὲν ἐξ
ἀνθρώπων ἠφανίσθη, οἱ δὲ παῖδες αὐτοῦ ἔφευγον
μὲν Εὐρυσθέα, ἐξηλαύνοντο δὲ ὑπὸ πάντων τῶν
Ἑλλήνων, αἰσχυνομένων μὲν τοῖς ἔργοις, φοβουμένων
δὲ τὴν Εὐρυσθέως δύναμιν, ἀφικόμενοι εἰς
τήνδε τὴν πόλιν ἱκέται ἐπὶ τῶν βωμῶν ἐκαθέζοντο·
12 ἐξαιτουμένου δὲ αὐτοὺς Εὐρυσθέως Ἀθηναῖοι οὐκ
ἠθέλησαν ἐκδοῦναι, ἀλλὰ τὴν Ἡρακλέους ἀρετὴν
μᾶλλον ᾐδοῦντο ἢ τὸν κίνδυνον τὸν ἑαυτῶν ἐφοβοῦντο,
καὶ ἠξίουν ὑπὲρ τῶν ἀσθενεστέρων μετὰ
τοῦ δικαίου διαμάχεσθαι μᾶλλον ἢ τοῖς δυναμένοις
χαριζόμενοι τοὺς ὑπ' ἐκείνων ἀδικουμένους ἐκδοῦναι.
13 ἐπιστρατεύσαντος δ' Εὐρυσθέως μετὰ τῶν
ἐν ἐκείνῳ τῷ χρόνῳ Πελοπόννησον ἐχόντων, οὐκ
ἐγγὺς τῶν δεινῶν γενόμενοι μετέγνωσαν, ἀλλὰ
τὴν αὐτὴν εἶχον γνώμην ἥνπερ πρότερον, ἀγαθὸν
μὲν οὐδὲν ἰδίᾳ ὑπὸ τοῦ πατρὸς αὐτῶν πεπονθότες,
ἐκείνους τ' οὐκ εἰδότες ὁποῖοί τινες ἄνδρες ἔσονται
14 γενόμενοι· δίκαιον δὲ νομίζοντες εἶναι, οὐ προτέρας
ἔχθρας ὑπαρχούσης πρὸς Εὐρυσθέα, οὐδὲ κέρδους
προκειμένου πλὴν δόξης ἀγαθῆς, τοσοῦτον κίνδυνον

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[a] According to the usual story all the seven were slain.

[b] The sons of Heracles (Heracleidae ; *cf.* Euripides' play

numerous enemy, but had justice as their ally, and they fought and conquered. And they did not allow themselves to be so elated by their fortune as to seek a heavier punishment of the Cadmeans, but in contrast to their impiety showed forth their own virtue, and obtaining for themselves the prize for which they had come—the corpses of the Argives—they buried them in their own land of Eleusis. Such, then, is the character that they have evinced in regard to those of the Seven against Thebes who were slain.[a]

In a later time, when Heracles had vanished from amongst men, and his children were fleeing from Eurystheus and were expelled by all the Greeks, who were ashamed of these acts but afraid of Eurystheus' power, they came to this city, and seated themselves as suppliants at our altars.[b] And when Eurystheus demanded them, the Athenians refused to give them up, but revered the virtue of Heracles more than they feared their own danger, and preferred to do battle for the weaker on the side of right, rather than favour the powerful by giving up to them the men whom they had wronged. Eurystheus marched against them with the people who held the Peloponnese at that time; yet they did not falter at the approach of the danger, but maintained the same resolve as before, though they had received no particular benefit at the father's hands, and could not tell what manner of men the sons would grow to be. Acting on what they held to be just, on no grounds of former enmity against Eurystheus, with no gain in view but good repute, they made this perilous venture on behalf of those

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of this name) were protected by the Athenians against their father's oppressor, Eurystheus, king of Argos, before their conquest of the Peloponnese.

ὑπὲρ αὐτῶν ἤραντο, τοὺς μὲν ἀδικουμένους ἐλεοῦντες,
τοὺς δ' ὑβρίζοντας μισοῦντες, καὶ τοὺς μὲν
κωλύειν ἐπιχειροῦντες, τοῖς δ' ἐπικουρεῖν ἀξιοῦντες,
ἡγούμενοι ἐλευθερίας μὲν σημεῖον εἶναι μηδὲν
ποιεῖν ἄκοντας, δικαιοσύνης δὲ τοῖς ἀδικουμένοις
βοηθεῖν, εὐψυχίας δ' ὑπὲρ τούτων ἀμφοτέρων, εἰ
15 δέοι, μαχομένους ἀποθνῄσκειν. τοσοῦτον δ' ἐφρόνουν
ἀμφότεροι, ὥσθ' οἱ μὲν μετ' Εὐρυσθέως οὐδὲν
[192] παρ' ἑκόντων ἐζήτουν εὑρίσκεσθαι, Ἀθηναῖοι δὲ
οὐκ ἠξίουν Εὐρυσθέα αὐτὸν ἱκετεύοντα τοὺς
ἱκέτας αὐτῶν ἐξελεῖν. παραταξάμενοι δ' ἰδίᾳ
δυνάμει τὴν ἐξ ἁπάσης Πελοποννήσου στρατιὰν
ἐλθοῦσαν ἐνίκων μαχόμενοι, καὶ τῶν Ἡρακλέους
παίδων τὰ μὲν σώματα εἰς ἄδειαν κατέστησαν,
ἀπαλλάξαντες δὲ τοῦ δέους καὶ τὰς ψυχὰς ἠλευθέρωσαν,
διὰ δὲ τὴν τοῦ πατρὸς ἀρετὴν ἐκείνους
16 τοῖς αὐτῶν κινδύνοις ἐστεφάνωσαν. τοσοῦτον δὲ
εὐτυχέστεροι παῖδες ὄντες ἐγένοντο τοῦ πατρός·
ὁ μὲν γάρ, καίπερ ὢν ἀγαθῶν πολλῶν αἴτιος
ἅπασιν ἀνθρώποις, ἐπίπονον καὶ φιλόνικον καὶ
φιλότιμον αὐτῷ καταστήσας τὸν βίον τοὺς μὲν
ἄλλους ἀδικοῦντας ἐκόλασεν, Εὐρυσθέα δὲ καὶ
ἐχθρὸν ὄντα καὶ εἰς αὐτὸν ἐξαμαρτάνοντα οὐχ οἷός
τε ἦν τιμωρήσασθαι· οἱ δὲ παῖδες αὐτοῦ διὰ τήνδε
τὴν πόλιν τῇ αὐτῇ εἶδον ἡμέρᾳ τήν θ' ἑαυτῶν
σωτηρίαν καὶ τὴν τῶν ἐχθρῶν τιμωρίαν.

17 Πολλὰ μὲν οὖν ὑπῆρχε τοῖς ἡμετέροις προγόνοις
μιᾷ γνώμῃ χρωμένοις περὶ τοῦ δικαίου διαμάχεσθαι·
ἥ τε γὰρ ἀρχὴ τοῦ βίου δικαία· οὐ γάρ, ὥσπερ οἱ
πολλοί, πανταχόθεν συνειλεγμένοι καὶ ἑτέρους
ἐκβαλόντες τὴν ἀλλοτρίαν ᾤκησαν, ἀλλ' αὐτόχθονες
ὄντες τὴν αὐτὴν ἐκέκτηντο μητέρα καὶ

children, pitying the wronged and hating the oppressor; attempting to check the one, and engaging to assist the other; conceiving it a sign of freedom to do nothing against one's will, of justice to succour the wronged, and of courage to die, if need be, in fighting for those two things at once. So high was the spirit of both sides that Eurystheus and his forces sought no advantage from any offer of the Athenians, while the Athenians would not suffer Eurystheus, even at his own supplication, to take away their suppliants. Having arrayed their own sole force against the host assembled from the whole Peloponnese, they conquered them in battle, rescued the sons of Heracles from bodily peril, liberating also their souls by ridding them of fear, and by their own daring crowned the sons with the meed of their father's valour. So much happier in the event were these, the children, than the father; for he, though author of many benefits to all mankind, devoting his life to a laborious quest of victory and honour, did indeed chastise those who wronged others, but was unable to punish Eurystheus, who was both his enemy and his oppressor. Whereas his sons, thanks to this city, saw on the same day both their own deliverance and the punishment of their enemies.

Now in many ways it was natural to our ancestors, moved by a single resolve, to fight the battles of justice: for the very beginning of their life was just. They had not been collected, like most nations, from every quarter, and had not settled in a foreign land after driving out its people: they were born of the soil, and possessed in one and the same country their mother and their fatherland. They were the first

18 πατρίδα. πρῶτοι δὲ καὶ μόνοι ἐν ἐκείνῳ τῷ
χρόνῳ ἐκβαλόντες τὰς παρὰ σφίσιν αὐτοῖς δυναστείας
δημοκρατίαν κατεστήσαντο, ἡγούμενοι τὴν
πάντων ἐλευθερίαν ὁμόνοιαν εἶναι μεγίστην, κοινὰς
δ’ ἀλλήλοις τὰς ἐκ τῶν κινδύνων ἐλπίδας ποιήσαντες
19 ἐλευθέραις ταῖς ψυχαῖς ἐπολιτεύοντο, νόμῳ
τοὺς ἀγαθοὺς τιμῶντες καὶ τοὺς κακοὺς κολάζοντες,
ἡγησάμενοι θηρίων μὲν ἔργον εἶναι ὑπ’
ἀλλήλων βίᾳ κρατεῖσθαι, ἀνθρώποις δὲ προσήκειν
νόμῳ μὲν ὁρίσαι τὸ δίκαιον, λόγῳ δὲ πεῖσαι, ἔργῳ
δὲ τούτοις ὑπηρετεῖν, ὑπὸ νόμου μὲν βασιλευομένους,
ὑπὸ λόγου δὲ διδασκομένους.

20 Καὶ γάρ τοι καὶ φύντες καλῶς καὶ γνόντες
ὅμοια, πολλὰ μὲν καλὰ καὶ θαυμαστὰ οἱ πρόγονοι
τῶν ἐνθάδε κειμένων εἰργάσαντο, ἀείμνηστα δὲ
καὶ μεγάλα καὶ πανταχοῦ οἱ ἐξ ἐκείνων γεγονότες
τρόπαια διὰ τὴν αὑτῶν ἀρετὴν κατέλιπον. μόνοι
γὰρ ὑπὲρ ἁπάσης τῆς Ἑλλάδος πρὸς πολλὰς
21 μυριάδας τῶν βαρβάρων διεκινδύνευσαν. ὁ γὰρ
τῆς Ἀσίας βασιλεὺς οὐκ ἀγαπῶν τοῖς ὑπάρχουσιν
ἀγαθοῖς, ἀλλ’ ἐλπίζων καὶ τὴν Εὐρώπην δουλώσεσθαι,
ἔστειλε πεντήκοντα μυριάδας στρατιάν.
ἡγησάμενοι δέ, εἰ τήνδε τὴν πόλιν ἢ ἑκοῦσαν
φίλην ποιήσαιντο ἢ ἄκουσαν καταστρέψαιντο,
ῥᾳδίως τῶν πολλῶν Ἑλλήνων ἄρξειν, ἀπέβησαν
εἰς Μαραθῶνα, νομίσαντες οὕτως ἂν ἐρημοτάτους
εἶναι συμμάχων [τοὺς Ἕλληνας],[1] εἰ ἔτι στασιάζούσης
τῆς Ἑλλάδος ᾧ τινι χρὴ τρόπῳ τοὺς
ἐπιόντας ἀμύνασθαι, τὸν κίνδυνον ποιήσαιντο.
22 ἔτι δ’ αὐτοῖς ἐκ τῶν προτέρων ἔργων περὶ τῆς
πόλεως τοιαύτη δόξα παρειστήκει, ὡς εἰ μὲν

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[1] τοὺς Ἕλληνας del. Emperius.

and the only people in that time to drive out the ruling classes[a] of their state and to establish a democracy, believing the liberty of all to be the strongest bond of agreement; by sharing with each other the hopes born of their perils they had freedom of soul in their civic life, and used law for honouring the good and punishing the evil. For they deemed that it was the way of wild beasts to be held subject to one another by force, but the duty of men to delimit justice by law, to convince by reason, and to serve these two in act by submitting to the sovereignty of law and the instruction of reason.

For indeed, being of noble stock and having minds as noble, the ancestors of those who lie here achieved many noble and admirable things; but ever memorable and mighty are the trophies that their descendants have everywhere left behind them owing to their valour. For they alone risked their all in defending the whole of Greece against many myriads of the barbarians. For the King of Asia, not content with the wealth that he had already, but hoping to enslave Europe as well, dispatched an army of five hundred thousand. These, supposing that, if they obtained the willing friendship of this city or overwhelmed its resistance, they would easily dominate the rest of the Greeks, landed at Marathon, thinking that we should be most destitute of allies if they made their venture at a moment when Greece was in dissension as to the best means of repelling the invaders. Besides, from the former actions of our city they had conceived a particular opinion of her: they thought

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[a] δυναστεία was a small ruling class or narrow oligarchy, opposed to a πολιτεία or constitutional rule; *cf.* Thucydides, iii. 62, iv. 78.

πρότερον ἐπ' ἄλλην πόλιν ἴασιν, ἐκείνοις καὶ
Ἀθηναίοις πολεμήσουσι· προθύμως γὰρ τοῖς
ἀδικουμένοις ἥξουσι βοηθήσοντες· εἰ δ' ἐνθάδε
πρῶτον ἀφίξονται, οὐδένας ἄλλους τῶν Ἑλλήνων
τολμήσειν ἑτέρους σῴζοντας φανερὰν ἔχθραν πρὸς
23 ἐκείνους ὑπὲρ αὐτῶν καταθέσθαι. οἱ μὲν τοίνυν
ταῦτα διενοοῦντο· οἱ δ' ἡμέτεροι πρόγονοι οὐ
λογισμῷ εἰδότες τοὺς ἐν τῷ πολέμῳ κινδύνους,
ἀλλὰ νομίζοντες τὸν εὐκλεᾶ θάνατον ἀθάνατον
περὶ τῶν ἀγαθῶν καταλείπειν λόγον, οὐκ ἐφοβήθησαν
τὸ πλῆθος τῶν ἐναντίων, ἀλλὰ τῇ αὐτῶν
ἀρετῇ μᾶλλον ἐπίστευσαν. καὶ αἰσχυνόμενοι ὅτι
ἦσαν οἱ βάρβαροι αὐτῶν ἐν τῇ χώρᾳ, οὐκ ἀνέμειναν
πυθέσθαι οὐδὲ βοηθῆσαι τοὺς συμμάχους, οὐδ'
ᾠήθησαν δεῖν ἑτέροις τῆς σωτηρίας χάριν εἰδέναι,
24 ἀλλὰ σφίσιν αὐτοῖς τοὺς ἄλλους Ἕλληνας. ταῦτα
μιᾷ γνώμῃ πάντες γνόντες ἀπήντων ὀλίγοι πρὸς
πολλούς· ἐνόμιζον γὰρ ἀποθανεῖν μὲν αὐτοῖς μετὰ
πάντων προσήκειν, ἀγαθοὺς δ' εἶναι μετ' ὀλίγων,
[193] καὶ τὰς μὲν ψυχὰς ἀλλοτρίας διὰ τὸν θάνατον
κεκτῆσθαι, τὴν δ' ἐκ τῶν κινδύνων μνήμην ἰδίαν
καταλείψειν. ἠξίουν δέ, οὓς μὴ μόνοι νικῷεν,
οὐδ' ἂν μετὰ τῶν συμμάχων δύνασθαι· καὶ ἡττηθέντες
μὲν ὀλίγῳ τῶν ἄλλων προαπολεῖσθαι,
νικήσαντες δὲ καὶ τοὺς ἄλλους ἐλευθερώσειν.
25 ἄνδρες δ' ἀγαθοὶ γενόμενοι, καὶ τῶν μὲν σωμάτων
ἀφειδήσαντες, ὑπὲρ δὲ τῆς ἀρετῆς οὐ φιλοψυχήσαντες,
καὶ μᾶλλον τοὺς παρ' αὐτοῖς νόμους
αἰσχυνόμενοι ἢ τὸν πρὸς τοὺς πολεμίους κίνδυνον
φοβούμενοι, ἔστησαν μὲν τρόπαιον ὑπὲρ τῆς
Ἑλλάδος τῶν βαρβάρων ἐν τῇ αὐτῶν, ὑπὲρ χρη-

that if they attacked another city first, they would be at war with it and Athens as well, for she would be zealous in coming to succour her injured nieghbours; but if they made their way here first, no Greeks elsewhere would dare attempt the deliverance of others, and for their sake incur the open hostility of the foreigners. These, then, were the motives of the foe. But our ancestors, without stopping to calculate the hazards of the war, but holding that a glorious death leaves behind it a deathless account of deeds well done, had no fear of the multitude of their adversaries, but rather had confidence in their own valour. And feeling ashamed that the barbarians were in their country, they did not wait till their allies should be informed and come to their support; rather than have to thank others for their salvation, they chose that the rest of the Greeks should have to thank them. With this one resolve in the minds of all, they marched to the encounter, though few against many: for death, in their opinion, was a thing for them to share with all men, but prowess with a few; and while they possessed their lives, because of mortality, as alien things, they would leave behind something of their own in the memory attached to their perils. And they deemed that a victory which they could not win alone would be as impossible with the aid of their allies. If vanquished, they would perish a little before the others; if victorious, they would liberate the others with themselves. They proved their worth as men, neither sparing their limbs nor cherishing their lives when valour called, and had more reverence for their city's laws than fear of their perils in face of the enemy; and so in their own land they set up on behalf of Greece a trophy of victory over the

26 μάτων εἰς τὴν ἀλλοτρίαν ἐμβαλόντων, παρὰ τοὺς ὅρους τῆς χώρας, οὕτω δὲ διὰ ταχέων τὸν κίνδυνον ἐποιήσαντο, ὥστε οἱ αὐτοὶ τοῖς ἄλλοις ἀπήγγειλαν τήν τ' ἐνθάδε ἄφιξιν τῶν βαρβάρων καὶ τὴν νίκην τῶν προγόνων. καὶ γάρ τοι οὐδεὶς τῶν ἄλλων ἔδεισεν ὑπὲρ τοῦ μέλλοντος κινδύνου, ἀλλ' ἀκούσαντες ὑπὲρ τῆς αὑτῶν ἐλευθερίας ἥσθησαν. ὥστε οὐδὲν θαυμαστόν, πάλαι[1] τῶν ἔργων γεγενημένων, ὥσπερ καινῶν ὄντων ἔτι καὶ νῦν τὴν ἀρετὴν αὐτῶν ὑπὸ πάντων ἀνθρώπων ζηλοῦσθαι.

27 Μετὰ ταῦτα δὲ Ξέρξης ὁ τῆς Ἀσίας βασιλεύς, καταφρονήσας μὲν τῆς Ἑλλάδος, ἐψευσμένος δὲ τῆς ἐλπίδος, ἀτιμαζόμενος δὲ τῷ γεγενημένῳ, ἀχθόμενος δὲ τῇ συμφορᾷ, ὀργιζόμενος δὲ τοῖς αἰτίοις, ἀπαθὴς δ' ὢν κακῶν καὶ ἄπειρος ἀνδρῶν ἀγαθῶν, δεκάτῳ ἔτει παρασκευασάμενος διακοσίαις μὲν καὶ χιλίαις ναυσὶν ἀφίκετο, τῆς δὲ πεζῆς στρατιᾶς οὕτως ἄπειρον τὸ πλῆθος ἦγεν, ὥστε καὶ τὰ ἔθνη τὰ μετ' αὐτοῦ ἀκολουθήσαντα πολὺ
28 ἂν ἔργον εἴη καταλέξαι· ὃ δὲ μέγιστον σημεῖον τοῦ πλήθους· ἐξὸν γὰρ αὐτῷ χιλίαις ναυσὶ διαβιβάσαι κατὰ τὸ στενότατον τοῦ Ἑλλησπόντου τὴν πεζὴν στρατιὰν ἐκ τῆς Ἀσίας εἰς τὴν Εὐρώπην, οὐκ ἠθέλησεν, ἡγούμενος τὴν διατριβὴν αὐτῷ
29 πολλὴν ἔσεσθαι· ἀλλ' ὑπεριδὼν καὶ τὰ φύσει πεφυκότα καὶ τὰ θεῖα πράγματα καὶ τὰς ἀνθρωπίνας διανοίας ὁδὸν μὲν διὰ τῆς θαλάττης ἐποιήσατο, πλοῦν δὲ διὰ τῆς γῆς ἠνάγκασε γενέσθαι, ζεύξας μὲν τὸν Ἑλλήσποντον, διορύξας δὲ τὸν Ἄθω, ὑφισταμένου οὐδενός, ἀλλὰ τῶν μὲν ἀκόντων ὑπακουόντων, τῶν δὲ ἑκόντων προδιδόντων. οἱ

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[1] πάλαι Reiske: παλαιῶν MSS.

barbarians, who had invaded others' territory for money, past the frontiers of their land; and so swiftly did they surmount their ordeal that by the same messengers information reached the other Greeks both of the barbarians' arrival here and of our ancestors' triumph. For indeed none of the other Greeks knew fear for the peril to come; they only heard the news and rejoiced over their own liberation. No wonder, then, that these deeds performed long ago should be as though they were new, and that even to this day the valour of that band should be envied by all mankind.

Thereafter Xerxes, King of Asia, who had held Greece in contempt, but had been deceived in his hopes, who was dishonoured by the event, galled by the disaster, and angered against its authors, and who was unused to ill-hap and unacquainted with true men, in ten years' time prepared for war and came with twelve hundred ships; and the land army that he brought was so immense in numbers that to enumerate even the nations that followed in his train would be a lengthy task. But the surest evidence of their numbers is this: although he had a thousand ships to spare for transporting his land army over the narrowest part of the Hellespont, he decided against it, for he judged that it would cause him a great waste of time: despising alike the effects of nature, the dispositions of Heaven and the purposes of men, he made him a road across the sea, and forced a passage for ships through the land, by spanning the Hellespont and trenching Athos; none withstood him, for the unwilling submitted, and the willing chose to be traitors. The former were not

μὲν γὰρ οὐχ ἱκανοὶ ἦσαν ἀμύνασθαι, οἱ δ' ὑπὸ χρημάτων διεφθαρμένοι· ἀμφότερα δ' ἦν αὐτοὺς
30 τὰ πείθοντα, κέρδος καὶ δέος. Ἀθηναῖοι δ' οὕτω διακειμένης τῆς Ἑλλάδος αὐτοὶ μὲν εἰς τὰς ναῦς ἐμβάντες ἐπ' Ἀρτεμίσιον ἐβοήθησαν, Λακεδαιμόνιοι δὲ καὶ τῶν συμμάχων ἔνιοι εἰς Θερμοπύλας ἀπήντησαν, ἡγούμενοι διὰ τὴν στενότητα τῶν χωρίων τὴν πάροδον οἷοί τ' ἔσεσθαι διαφυλάξαι.
31 γενομένου δὲ τοῦ κινδύνου κατὰ τὸν αὐτὸν χρόνον Ἀθηναῖοι μὲν ἐνίκων τῇ ναυμαχίᾳ, Λακεδαιμόνιοι δέ, οὐ ταῖς ψυχαῖς ἐνδεεῖς γενόμενοι, ἀλλὰ τοῦ πλήθους ψευσθέντες καὶ οὓς φυλάξειν ᾤοντο καὶ πρὸς οὓς κινδυνεύσειν ἔμελλον, ⟨διεφθάρησαν⟩[1] οὐχ ἡττηθέντες τῶν ἐναντίων, ἀλλ' ἀποθανόντες
32 οὗπερ ἐτάχθησαν μάχεσθαι· τούτῳ δὲ τῷ τρόπῳ τῶν μὲν δυστυχησάντων, τῶν δὲ τῆς παρόδου κρατησάντων, οἱ μὲν ἐπορεύοντο ἐπὶ τήνδε τὴν πόλιν, οἱ δ' ἡμέτεροι πρόγονοι πυθόμενοι μὲν τὴν γεγενημένην Λακεδαιμονίοις συμφοράν, ἀποροῦντες δὲ τοῖς περιεστηκόσι πράγμασιν, εἰδότες δ' ὅτι, εἰ μὲν κατὰ γῆν τοῖς βαρβάροις ἀπαντήσονται, ἐπιπλεύσαντες χιλίαις ναυσὶν ἐρήμην τὴν πόλιν λήψονται, εἰ δὲ εἰς τὰς τριήρεις ἐμβήσονται, ὑπὸ τῆς πεζῆς στρατιᾶς ἁλώσονται, ἀμφότερα δὲ οὐ δυνήσονται, ἀμύνασθαί τε καὶ φυλακὴν ἱκανὴν
33 καταλιπεῖν, δυοῖν δὲ προκειμένοιν, πότερον χρὴ τὴν πατρίδα ἐκλιπεῖν ἢ μετὰ τῶν βαρβάρων γενομένους καταδουλώσασθαι τοὺς Ἕλληνας, ἡγησάμενοι κρεῖττον εἶναι μετ' ἀρετῆς καὶ πενίας καὶ φυγῆς ἐλευθερίαν ἢ μετ' ὀνείδους καὶ πλούτου δουλείαν τῆς πατρίδος, ἐξέλιπον ὑπὲρ τῆς Ἑλλάδος

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[1] διεφθάρησαν add. Jacobs.

capable of resisting, and the latter were corrupted by bribes : they were under the double persuasion of gain and dread. But while Greece showed these inclinations, the Athenians, for their part, embarked in their ships and hastened to the defence of Artemisium ; while the Lacedaemonians and some of their allies went off to make a stand at Thermopylae, judging that the narrowness of the ground would enable them to secure the passage. The trial came for both at the same time : the Athenians conquered in the sea-fight, while the Lacedaemonians, showing no failure of spirit, but deceived as to the numbers alike of those whom they expected to mount guard and of those with whom they had to contend, were destroyed, not having been worsted by their adversaries, but slain where they had been stationed for battle. When in this manner the one side had suffered disaster, and the other had captured the passage, the invaders advanced against this city ; while our ancestors, informed of the calamity that had befallen the Lacedaemonians, and perplexed by the difficulties that surrounded them, were aware that, if they marched out to meet the barbarians on land, they would sail against the city with a thousand ships and take it undefended, and if they embarked on their war-vessels they would be reduced by the land army ; that they[a] would be unequal to the double strain of repelling the foe and leaving behind a sufficient garrison. So having to choose one of two courses, either to desert their native land or to join the barbarians in enslaving the Greeks, they decided to prefer freedom together with valour and poverty and exile to their country's servitude in infamy and wealth : they left their city for the sake of

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[a] The Athenians left in the city.

τὴν πόλιν, ἵν᾽ ἐν μέρει πρὸς ἑκατέραν ἀλλὰ μὴ
[194] πρὸς ἀμφοτέρας ἅμα τὰς δυνάμεις κινδυνεύσωσιν·
34 ὑπεκθέμενοι δὲ παῖδας καὶ γυναῖκας καὶ μητέρας
εἰς Σαλαμῖνα, συνήθροιζον καὶ τὸ τῶν ἄλλων
συμμάχων ναυτικόν. οὐ πολλαῖς δ᾽ ὕστερον ἡμέραις
ἦλθε καὶ ἡ πεζὴ στρατιὰ καὶ τὸ ναυτικὸν τὸ τῶν
βαρβάρων, ὃ τίς οὐκ ἂν ἰδὼν ἐφοβήθη, ὡς μέγας
καὶ δεινὸς τῇδε τῇ πόλει κίνδυνος ὑπὲρ τῆς τῶν
35 Ἑλλήνων ἐλευθερίας ἠγωνίσθη; ποίαν δὲ γνώμην
εἶχον ἢ οἱ θεώμενοι τοὺς ἐν ταῖς ναυσὶν ἐκείναις,
οὔσης καὶ τῆς αὑτῶν σωτηρίας ἀπίστου καὶ τοῦ
προσιόντος κινδύνου, ἢ οἱ μέλλοντες ναυμαχήσειν
ὑπὲρ τῆς φιλότητος, ὑπὲρ τῶν ἄθλων τῶν ἐν
36 Σαλαμῖνι; οἷς τοσοῦτον πανταχόθεν περιειστήκει
πλῆθος πολεμίων, ὥστε ἐλάχιστον μὲν αὐτοῖς
εἶναι τῶν παρόντων κακῶν τὸ θάνατον τὸν αὑτῶν
προειδέναι, μεγίστην δὲ συμφοράν, <ἃ>[1] ὑπὸ τῶν
βαρβάρων εὐτυχησάντων τοὺς ὑπεκτεθέντας ἤλπιζον
37 πείσεσθαι. ἦ που διὰ τὴν ὑπάρχουσαν ἀπορίαν
πολλάκις μὲν ἐδεξιώσαντο ἀλλήλους, εἰκότως δὲ
σφᾶς αὐτοὺς ὠλοφύραντο, εἰδότες μὲν τὰς σφετέρας
ναῦς ὀλίγας οὔσας, ὁρῶντες δὲ πολλὰς τὰς τῶν
πολεμίων, ἐπιστάμενοι δὲ τὴν μὲν πόλιν ἠρημωμένην,
τὴν δὲ χώραν πορθουμένην καὶ μεστὴν τῶν
βαρβάρων, ἱερῶν δὲ καιομένων, ἁπάντων δ᾽ ἐγγὺς
38 ὄντων τῶν δεινῶν, ἀκούοντες δ᾽ ἐν ταὐτῷ συμμεμειγμένου
Ἑλληνικοῦ καὶ βαρβαρικοῦ παιῶνος,
παρακελευσμοῦ δ᾽ ἀμφοτέρων καὶ κραυγῆς τῶν
διαφθειρομένων, καὶ τῆς θαλάττης μεστῆς τῶν
νεκρῶν, καὶ πολλῶν μὲν συμπιπτόντων καὶ φιλίων
καὶ πολεμίων ναυαγίων, ἀντιπάλου δὲ πολὺν

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[1] ἃ add. Taylor.

Greece, that they might challenge each of the two forces[a] in turn, not both at once. They deposited their children and wives and mothers safe in Salamis, and assembled to their aid the ships of their allies. A few days later both the land army and the fleet of the barbarians appeared; at such a sight, who would not have been afraid of the greatness and terror of the danger that had come upon our city in her struggle for the freedom of Greece? What were the feelings of those who beheld their friends on board those ships, when their own salvation was as doubtful as the approaching contest; or again, of those who were about to do battle at sea for their dearest, for the prizes there in Salamis? On every hand they were surrounded by such a multitude of foes that they reckoned it the least of their present troubles to anticipate their own death, but saw the greatest of disasters in the fate that they must expect to be dealt by the barbarians, if successful, to those whom they had transported from the city. We may be sure that the perplexity of their case made them often grasp each other by the hand, and with reason bewail their plight; knowing their own ships to be few, and seeing those of the foe to be many; understanding that their city was now deserted, that their land was being ravaged and overrun by the barbarians, that the temples were being burnt, and that horrors of every kind were close upon them. At the same moment they heard mingled battle-hymns of Greek and barbarian, exhortations on either side, and shrieks of the perishing: the sea was full of corpses, there was clashing of many wrecks of friends' and foemen's vessels, and for a long time the sea-fight was evenly

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[a] *i.e.*, the fleet and the army of the Persians.

χρόνον οὔσης τῆς ναυμαχίας δοκοῦντες τοτὲ μὲν
νενικηκέναι καὶ σεσῶσθαι, τοτὲ δ' ἡττῆσθαι καὶ
39 ἀπολωλέναι. ἦ που διὰ τὸν παρόντα φόβον πολλὰ
μὲν ᾠήθησαν ἰδεῖν ὧν οὐκ εἶδον, πολλὰ δ' ἀκοῦσαι
ὧν οὐκ ἤκουσαν. ποῖαι δ' οὐχ ἱκετεῖαι θεῶν
ἐγένοντο ἢ θυσιῶν ἀναμνήσεις, ἔλεός τε παίδων
καὶ γυναικῶν πόθος οἶκτός τε πατέρων καὶ
μητέρων, λογισμὸς δ', εἰ δυστυχήσειαν, τῶν
40 μελλόντων ἔσεσθαι κακῶν; τίς οὐκ ἂν θεῶν
ἠλέησεν αὐτοὺς ὑπὲρ τοῦ μεγέθους τοῦ κινδύνου;
ἢ τίς ἀνθρώπων οὐκ ἂν ἐδάκρυσεν; ἢ τίς τῆς
τόλμης αὐτοὺς οὐκ ἂν ἠγάσθη; ἦ πολὺ πλεῖστον
ἐκεῖνοι κατὰ τὴν ἀρετὴν ἁπάντων ἀνθρώπων
διήνεγκαν καὶ ἐν τοῖς βουλεύμασι καὶ ἐν τοῖς τοῦ
πολέμου κινδύνοις, ἐκλιπόντες μὲν τὴν πόλιν, εἰς
τὰς ναῦς δ' ἐμβάντες, τὰς δ' αὐτῶν ψυχὰς ὀλίγας
οὔσας ἀντιτάξαντες τῷ πλήθει τῷ τῆς Ἀσίας.
41 ἐπέδειξαν δὲ πᾶσιν ἀνθρώποις, νικήσαντες τῇ ναυμαχίᾳ,
ὅτι κρεῖττον μετ' ὀλίγων ὑπὲρ τῆς ἐλευθερίας
κινδυνεύειν ἢ μετὰ πολλῶν βασιλευομένων
42 ὑπὲρ τῆς αὐτῶν δουλείας. πλεῖστα δὲ καὶ κάλλιστα
ἐκεῖνοι ὑπὲρ τῆς τῶν Ἑλλήνων ἐλευθερίας συνεβάλοντο,
στρατηγὸν μὲν Θεμιστοκλέα, ἱκανώτατον
εἰπεῖν καὶ γνῶναι καὶ πρᾶξαι, ναῦς δὲ πλείους τῶν
ἄλλων συμμάχων, ἄνδρας δ' ἐμπειροτάτους. καὶ
γὰρ[1] τίνες ἂν τούτοις τῶν ἄλλων Ἑλλήνων ἤρισαν
43 γνώμῃ καὶ πλήθει καὶ ἀρετῇ; ὥστε δικαίως μὲν
ἀναμφισβήτητα τἀριστεῖα τῆς ναυμαχίας ἔλαβον
παρὰ τῆς Ἑλλάδος, εἰκότως δὲ τὴν εὐτυχίαν
ὁμονοοῦσαν τοῖς κινδύνοις ἐκτήσαντο, γνησίαν δὲ

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[1] καὶ γὰρ Dobree: καίτοι mss.

balanced; they seemed at one moment to have conquered and been saved, at another to have been defeated and destroyed. Certainly the fear that was upon them must have made them believe that they saw many things which they saw not, and heard many that they did not hear. What supplications, what reminders of sacrifices, were not sent up to Heaven! What pity was felt for children, what yearning over wives, what compassion for fathers and mothers, in calculating the evils that would result from their ill-success! What deity would have denied them pity for such an awful danger? What man but would have shed tears? Who would not have marvelled at their daring? Beyond all compare did those men in their valour surpass all mankind, whether in their counsels or in the perils of that war; for they abandoned their city and embarked on their ships, and pitted their own few lives against the multitude of Asia. They declared to all men, by their victory in the sea-fight, that there is better hope for the venture shared with a few in the cause of freedom than for that in which numerous subjects of a king contend for their own servitude. They made the fullest and fairest contribution in aid of the freedom of the Greeks by providing Themistocles as commander, most competent to speak and decide and act, and ships more numerous than those of all their allies, and men of the greatest experience. For indeed who among the rest of the Greeks could have vied with these in decision, in number, and in valour? Hence it was just that they should receive from Greece without dispute the prize of prowess in the sea-fight, and reasonable that they should attain a prosperity in accord with the measure of their perils, having taught the barbarians

καὶ αὐτόχθονα τοῖς ἐκ τῆς Ἀσίας βαρβάροις τὴν
αὐτῶν ἀρετὴν ἐπεδείξαντο.
44 Ἐν μὲν οὖν τῇ ναυμαχίᾳ τοιούτους αὐτοὺς
παρασχόντες καὶ πολὺ πλεῖστον τῶν κινδύνων
μετασχόντες τῇ ἰδίᾳ ἀρετῇ κοινὴν τὴν ἐλευθερίαν
καὶ τοῖς ἄλλοις ἐκτήσαντο· ὕστερον δὲ Πελοποννησίων
διατειχιζόντων τὸν Ἰσθμόν, καὶ ἀγαπώντων
μὲν τῇ σωτηρίᾳ, νομιζόντων δ' ἀπηλλάχθαι
τοῦ κατὰ θάλατταν κινδύνου, καὶ διανοουμένων τοὺς
ἄλλους Ἕλληνας περιιδεῖν ὑπὸ τοῖς βαρβάροις
45 γενομένους, ὀργισθέντες Ἀθηναῖοι συνεβούλευον
αὐτοῖς, εἰ ταύτην τὴν γνώμην ἕξουσι, περὶ ἅπασαν
τὴν Πελοπόννησον τεῖχος περιβαλεῖν· εἰ γὰρ αὐτοὶ
ὑπὸ <τῶν>[1] Ἑλλήνων προδιδόμενοι μετὰ τῶν
βαρβάρων ἔσονται, οὔτ' ἐκείνοις δεήσειν χιλίων
[195] νεῶν οὔτε τούτους ὠφελήσειν τὸ ἐν Ἰσθμῷ τεῖχος·
ἀκινδύνως γὰρ ἔσεσθαι τὴν τῆς θαλάττης ἀρχὴν
46 βασιλέως. διδασκόμενοι δὲ καὶ νομίζοντες αὐτοὶ
μὲν ἄδικά τε ποιεῖν καὶ κακῶς βουλεύεσθαι,
Ἀθηναίους δὲ δίκαιά τε λέγειν καὶ τὰ βέλτιστα
αὐτοῖς παραινεῖν, ἐβοήθησαν εἰς Πλαταιάς· ἀποδράντων
δὲ ὑπὸ νύκτα τῶν πλείστων συμμάχων
ἐκ τῶν τάξεων διὰ τὸ πλῆθος τῶν πολεμίων,
Λακεδαιμόνιοι μὲν καὶ Τεγεᾶται τοὺς βαρβάρους
ἐτρέψαντο, Ἀθηναῖοι δὲ καὶ Πλαταιεῖς πάντας
τοὺς Ἕλληνας ἐνίκων μαχόμενοι τοὺς ἀπογνόντας
τῆς ἐλευθερίας καὶ ὑπομείναντας τὴν δουλείαν.
47 ἐν ἐκείνῃ δὲ τῇ ἡμέρᾳ καλλίστην τελευτὴν τοῖς
προτέροις κινδύνοις ἐπιθέντες, βέβαιον μὲν τὴν
ἐλευθερίαν τῇ Εὐρώπῃ κατειργάσαντο, ἐν ἅπασι
δὲ τοῖς κινδύνοις δόντες ἔλεγχον τῆς ἑαυτῶν
ἀρετῆς, καὶ μόνοι καὶ μεθ' ἑτέρων, καὶ πεζο-

of Asia that their own valour was genuine and native to their soil,

By thus proving their quality in the sea-fight, and bearing by far the greatest share in its dangers, they obtained through their particular prowess a general access of freedom for the rest of Greece. But after this the Peloponnesians built a wall across the Isthmus; and being satisfied with their safety, and considering that they were now rid of the peril from the sea, they were disposed to stand by and see the other Greeks subdued by the barbarians. Then the Athenians, in anger, advised them, if they meant to be of this mind, to encompass the whole Peloponnese with a wall: for if they themselves, betrayed by the Greeks, should be united with the barbarians, these on their part would have no need of a thousand ships, nor would the wall at the Isthmus help its builders, since the empire of the sea would belong without hazard to the King. Taking the lesson to heart, and deeming their action unjust and ill-advised, while the words of the Athenians were just and their recommendation was the wisest, they went to their support at Plataea. Most of the allies had deserted their posts at nightfall, owing to the multitude of the enemy; but the Lacedaemonians and Tegeates routed the barbarians, while the Athenians and Plataeans fought and vanquished all the Greeks who had despaired of freedom and submitted to slavery. On that day they brought the ventures of the past to a most glorious consummation; for not only did they secure a permanence of freedom for Europe, but had given proof of their own valour in all those trials, whether alone or with others, in land-

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[1] τῶν add. Reiske.

μαχοῦντες καὶ ναυμαχοῦντες, καὶ πρὸς <τοὺς>[1]
βαρβάρους καὶ πρὸς τοὺς Ἕλληνας, ὑπὸ πάντων
ἠξιώθησαν, καὶ μεθ' ὧν ἐκινδύνευον καὶ πρὸς οὓς
ἐπολέμουν, ἡγεμόνες γενέσθαι τῆς Ἑλλάδος.
48 Ὑστέρῳ δὲ χρόνῳ Ἑλληνικοῦ πολέμου κατα-
στάντος διὰ ζῆλον τῶν γεγενημένων καὶ φθόνον
τῶν πεπραγμένων, μέγα μὲν ἅπαντες φρονοῦντες,
μικρῶν δ' ἐγκλημάτων ἕκαστοι δεόμενοι, ναυμαχίας
Ἀθηναίοις πρὸς Αἰγινήτας καὶ τοὺς ἐκείνων συμ-
μάχους γενομένης ἑβδομήκοντα τριήρεις αὐτῶν
49 ἐλάμβανον. πολιορκούντων δὲ κατὰ τὸν αὐτὸν
χρόνον Αἴγυπτόν τε καὶ Αἴγιναν, καὶ τῆς ἡλι-
κίας ἀπούσης ἔν τε ταῖς ναυσὶ καὶ ἐν τῷ πεζῷ
στρατεύματι, Κορίνθιοι καὶ οἱ ἐκείνων σύμμαχοι,
ἡγούμενοι ἢ εἰς ἔρημον τὴν χώραν ἐμβαλεῖν ἢ
ἐξ Αἰγίνης ἄξειν τὸ στρατόπεδον, ἐξελθόντες παν-
50 δημεὶ Γεράνειαν κατέλαβον· Ἀθηναῖοι δὲ τῶν μὲν
ἀπόντων, τῶν δ' ἐγγὺς ὄντων, οὐδένα ἐτόλμησαν
μεταπέμψασθαι· ταῖς δ' αὐτῶν ψυχαῖς πιστεύ-
σαντες καὶ τῶν ἐπιόντων καταφρονήσαντες οἱ
γεραίτεροι καὶ οἱ τῆς ἡλικίας ἐντὸς γεγονότες
ἠξίουν αὐτοὶ μόνοι τὸν κίνδυνον ποιήσασθαι, οἱ
51 μὲν ἐμπειρίᾳ τὴν ἀρετήν, οἱ δὲ φύσει κεκτημένοι·
καὶ οἱ μὲν αὐτοὶ πολλαχοῦ ἀγαθοὶ γεγενημένοι,
οἱ δ' ἐκείνους μιμούμενοι, τῶν μὲν πρεσβυτέρων
ἄρχειν ἐπισταμένων, τῶν δὲ νεωτέρων τὸ ἐπι-
52 ταττόμενον ποιεῖν δυναμένων, Μυρωνίδου στρατη-
γοῦντος ἀπαντήσαντες αὐτοὶ εἰς τὴν Μεγαρικὴν
ἐνίκων μαχόμενοι ἅπασαν τὴν δύναμιν τὴν ἐκείνων
τοῖς ἤδη ἀπειρηκόσι καὶ τοῖς οὔπω δυναμένοις,
τοὺς εἰς τὴν σφετέραν ἐμβαλεῖν ἀξιώσαντας, εἰς

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[1] τοὺς add. Reiske.

fights or in sea-fights, against the barbarians or against the Greeks; and thus they were judged worthy by all—by their comrades in peril no less than their foes in the field—to have the leadership of Greece.

In later times a Grecian war arose from envy of what had come to pass, and jealousy of what had been achieved: great was the conceit of all, and small the allegation that each found needful. The Athenians, in a sea-fight with the Aeginetans and their allies, took seventy of their warships. As they were blockading Egypt and Aegina at the same time, and their men of serviceable age were absent either in their ships or in their land army, the Corinthians and their allies, conceiving that if they invaded our land they would either find it unprotected or draw off our forces from Aegina, marched out in full strength and seized Geranea.[a] But the Athenians, though their men were away and the enemy close at hand, would not deign to summon anyone. Trusting in their own spirit, and despising the invaders, the elderly and those below the age of service thought fit to take the risk upon themselves alone: the former had acquired their valour by experience, the latter by nature; those had proved their own worth on many a field, while these would imitate them, and as the seniors knew how to command, so the juniors were able to carry out their orders. With Myronides as general they made a sally of their own into the land of Megara and conquered in battle the whole force of the enemy with troops whose strength was already failing or not yet capable,—of an enemy who had chosen to invade their country, but whom they had hastened to meet on alien

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[a] Near Megara.

53 τὴν ἀλλοτρίαν ἀπαντήσαντες, τρόπαιον δὲ στήσαντες
καλλίστου μὲν αὑτοῖς ἔργου, αἰσχίστου δὲ
τοῖς πολεμίοις, οἱ μὲν οὐκέτι τοῖς σώμασιν, οἱ δ'
οὔπω δυνάμενοι, ταῖς δὲ ψυχαῖς ἀμφότεροι κρείττους
γενόμενοι, μετὰ καλλίστης δόξης εἰς τὴν
αὑτῶν ἀπελθόντες οἱ μὲν πάλιν ἐπαιδεύοντο, οἱ δὲ
περὶ τῶν λοιπῶν ἐβουλεύοντο.
54 Καθ' ἕκαστον μὲν οὖν οὐ ῥᾴδιον τὰ ὑπὸ πολλῶν
κινδυνευθέντα ὑφ' ἑνὸς ῥηθῆναι, οὐδὲ τὰ ἐν ἅπαντι
τῷ χρόνῳ πραχθέντα ἐν μιᾷ ἡμέρᾳ δηλωθῆναι.
τίς γὰρ ἂν ἢ λόγος ἢ χρόνος ἢ ῥήτωρ ἱκανὸς
γένοιτο μηνῦσαι τὴν τῶν ἐνθάδε κειμένων ἀνδρῶν
55 ἀρετήν; μετὰ πλείστων γὰρ πόνων καὶ φανερωτάτων
ἀγώνων καὶ καλλίστων κινδύνων ἐλευθέραν
μὲν ἐποίησαν τὴν Ἑλλάδα, μεγίστην δ' ἀπέδειξαν
τὴν ἑαυτῶν πατρίδα, ἑβδομήκοντα μὲν ἔτη τῆς
θαλάττης ἄρξαντες, ἀστασιάστους δὲ παρασχόντες
56 τοὺς συμμάχους, οὐ τοῖς ὀλίγοις τοὺς πολλοὺς
δουλεύειν ἀξιώσαντες, ἀλλὰ τὸ ἴσον ἔχειν ἅπαντας
ἀναγκάσαντες, οὐδὲ τοὺς συμμάχους ἀσθενεῖς
ποιοῦντες, ἀλλὰ κἀκείνους ἰσχυροὺς καθιστάντες,
καὶ τὴν αὑτῶν δύναμιν τοσαύτην ἐπιδείξαντες,
ὥσθ' ὁ μέγας βασιλεὺς οὐκέτι τῶν ἀλλοτρίων
ἐπεθύμει, ἀλλ' ἐδίδου τῶν ἑαυτοῦ καὶ περὶ τῶν
57 λοιπῶν ἐφοβεῖτο, καὶ οὔτε τριήρεις ἐν ἐκείνῳ τῷ
χρόνῳ ἐκ τῆς Ἀσίας ἔπλευσαν, οὔτε τύραννος
ἐν τοῖς Ἕλλησι κατέστη, οὔτε Ἑλληνὶς πόλις ὑπὸ
[196] τῶν βαρβάρων ἠνδραποδίσθη· τοσαύτην σωφροσύνην
καὶ δέος ἡ τούτων ἀρετὴ πᾶσιν ἀνθρώποις
παρεῖχεν. ὧν ἕνεκα δεῖ μόνους καὶ προστάτας
τῶν Ἑλλήνων καὶ ἡγεμόνας τῶν πόλεων γίγνεσθαι.
58 Ἐπέδειξαν δὲ καὶ ἐν ταῖς δυστυχίαις τὴν ἑαυτῶν

soil. There they set up a trophy of an exploit most glorious for them, but most disgraceful for the foe. One part of them had ceased, and the other had not begun, to be able-bodied ; but together they took strength from their spirit, and thus with fairest renown they returned to their own land, where the young resumed their education and the old took counsel on what remained to be done.

Now it is not easy for one person to recount in detail the perils undergone by many men, or to show forth in a single day the deeds of all past times. For what speech or time or orator would suffice to declare the valour of the men who lie here ? By means of countless toils, conspicuous struggles, and glorious perils they made Greece free, while proving the supremacy of their native land : they commanded the sea for seventy years[a] and saved their allies from faction, not suffering the many to be slaves of the few, but compelling all to live on an equality[b] ; instead of weakening their allies, they secured their strength along with their own, and displayed their own power to such effect that the Great King no more coveted the possessions of others, but yielded some of his own and was in fear for what remained. In that time no warships sailed from Asia, no despot held sway among the Greeks, no city of Greece was forced into serfdom by the barbarians ; so great was the restraint and awe inspired in all mankind by the valour of our people. And for this reason none but they should become protectors of the Greeks and leaders of the cities.

And in misfortunes also they displayed their ac-

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[a] From 476 B.C., when Athens became the head of the Delian League, to 405 B.C., when she was defeated at Aegospotami.

[b] *i.e.*, they were the general promoters of democracy.

ἀρετήν. ἀπολομένων γὰρ τῶν νεῶν ἐν Ἑλλησπόντῳ
εἴτε ἡγεμόνος κακίᾳ εἴτε θεῶν διανοίᾳ, καὶ συμφορᾶς
ἐκείνης μεγίστης γενομένης καὶ ἡμῖν τοῖς
δυστυχήσασι καὶ τοῖς ἄλλοις Ἕλλησιν, ἐδήλωσεν
οὐ πολλῷ χρόνῳ ὕστερον ὅτι ἡ τῆς πόλεως δύναμις
59 τῆς Ἑλλάδος ἦν σωτηρία. ἑτέρων γὰρ ἡγεμόνων
γενομένων ἐνίκησαν μὲν ναυμαχοῦντες τοὺς Ἕλληνας
οἱ πρότερον εἰς τὴν θάλατταν οὐκ ἐμβαίνοντες,
ἔπλευσαν δ' εἰς τὴν Εὐρώπην, δουλεύουσι
δὲ πόλεις τῶν Ἑλλήνων, τύραννοι δ' ἐγκαθεστᾶσιν,
οἱ μὲν μετὰ τὴν ἡμετέραν συμφοράν, οἱ δὲ μετὰ
60 τὴν νίκην τῶν βαρβάρων. ὥστ' ἄξιον ἦν ἐπὶ τῷδε
τῷ τάφῳ τότε κείρασθαι τῇ Ἑλλάδι καὶ πενθῆσαι
τοὺς ἐνθάδε κειμένους, ὡς συγκαταθαπτομένης
τῆς αὐτῶν ἐλευθερίας τῇ τούτων ἀρετῇ· ὡς δυστυχὴς
μὲν ἡ Ἑλλὰς τοιούτων ἀνδρῶν ὀρφανὴ
γενομένη, εὐτυχὴς δ' ὁ τῆς Ἀσίας βασιλεὺς
ἑτέρων ἡγεμόνων λαβόμενος· τῇ μὲν γὰρ τούτων
στερηθείσῃ δουλεία περιέστηκε, τῷ δ' ἄλλων
ἀρξάντων ζῆλος ἐγγίγνεται τῆς τῶν προγόνων
διανοίας.

61 Ἀλλὰ ταῦτα μὲν ἐξήχθην ὑπὲρ πάσης ὀλοφύρασθαι
τῆς Ἑλλάδος· ἐκείνων δὲ τῶν ἀνδρῶν ἄξιον
καὶ ἰδίᾳ καὶ δημοσίᾳ μεμνῆσθαι, οἳ φεύγοντες τὴν
δουλείαν καὶ περὶ τοῦ δικαίου μαχόμενοι καὶ ὑπὲρ
τῆς δημοκρατίας στασιάσαντες πάντας πολεμίους
κεκτημένοι εἰς τὸν Πειραιᾶ κατῆλθον, οὐχ ὑπὸ
νόμου ἀναγκασθέντες, ἀλλ' ὑπὸ τῆς φύσεως πει-

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[a] At Aegospotami, 405 B.C.

[b] The Persian fleet under Conon defeated the Lacedaemonians under Peisander at Cnidus in Cilicia, 394 B.C. In the preceding years Sparta, relying on the support of Persia,

customed valour. For when the ships were destroyed in the Hellespont[a]—whether it was through the fault of the commander or by the design of Heaven—and that supreme disaster overtook not only us, who suffered that misfortune, but all the rest of the Greeks, it became evident shortly after that the power of our city was the salvation of Greece. The leadership was taken by others, and a people who had never before embarked upon the sea defeated the Greeks in a naval action; they sailed to Europe and enslaved cities of the Greeks, in which despots were established, some after our disaster, and others after the victory of the barbarians.[b] So it would have been fitting for Greece to come then and mourn over this tomb, and lament those who lie here, seeing that her own freedom was interred together with their valour. Unhappy Greece, to be bereft of such men, and happy King of Asia, to be at grips with other leaders! For Greece, deprived of these men, is sunk in slavery, while he, finding others in command, is moved to emulate the designs of his ancestors.

But though I have been led to utter this lament over Greece as a whole, it behoves us to remember, in public as in private, those men[c] who, shunning slavery, fighting for the right, and rallying to the cause of democracy, incurred the hostility of all and returned to the Peiraeus; compelled by no law, but induced by their nature; imitating

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had placed her governors in many Greek cities: after Cnidus the Greeks of Asia Minor were abandoned to Persian rule.

[c] The speaker returns to the story of Athens after Aegospotami—the tyranny of the Thirty and the democratic opposition in the Peiraeus, 404–403 B.C. For the whole series of events see the General Introduction and Chronological Summary.

σθέντες, καινοῖς κινδύνοις τὴν παλαιὰν ἀρετὴν τῶν
62 προγόνων μιμησάμενοι, ταῖς αὑτῶν ψυχαῖς κοινὴν
τὴν πόλιν καὶ τοῖς ἄλλοις κτησόμενοι, θάνατον μετ'
ἐλευθερίας αἱρούμενοι ἢ βίον μετὰ δουλείας, οὐχ
ἧττον ταῖς συμφοραῖς αἰσχυνόμενοι ἢ τοῖς ἐχθροῖς
ὀργιζόμενοι, μᾶλλον βουληθέντες ἐν τῇ αὑτῶν
ἀποθνῄσκειν ἢ ζῆν τὴν ἀλλοτρίαν οἰκοῦντες, συμμάχους
μὲν ὅρκους καὶ συνθήκας ἔχοντες, πολεμίους
δὲ τοὺς πρότερον ὑπάρχοντας καὶ τοὺς πολίτας
63 τοὺς ἑαυτῶν. ἀλλ' ὅμως οὐ τὸ πλῆθος τῶν ἐναντίων
φοβηθέντες, ἀλλ' ἐν τοῖς σώμασι τοῖς ἑαυτῶν
κινδυνεύσαντες, τρόπαιον μὲν τῶν πολεμίων ἔστησαν,
μάρτυρας δὲ τῆς αὑτῶν ἀρετῆς ἐγγὺς ὄντας
τοῦδε τοῦ μνήματος τοὺς Λακεδαιμονίων τάφους
παρέχονται. καὶ γάρ τοι μεγάλην μὲν ἀντὶ μικρᾶς
ἀπέδειξαν τὴν πόλιν, ὁμονοοῦσαν δὲ ἀντὶ στασιαζούσης
ἀπέφηναν, τείχη δὲ ἀντὶ τῶν καθῃρημένων
64 ἀνέστησαν. οἱ δὲ κατελθόντες αὐτῶν,
ἀδελφὰ τὰ βουλεύματα τοῖς ἔργοις τῶν ἐνθάδε
κειμένων ἐπιδεικνύντες, οὐκ ἐπὶ τιμωρίαν τῶν ἐχθρῶν
ἀλλ' ἐπὶ σωτηρίαν τῆς πόλεως ἐτράποντο, καὶ
οὔτε ἐλαττοῦσθαι δυνάμενοι οὔτ' αὐτοὶ πλέον ἔχειν
δεόμενοι τῆς μὲν αὑτῶν ἐλευθερίας καὶ τοῖς
βουλομένοις δουλεύειν μετέδοσαν, τῆς δ' ἐκείνων
δουλείας αὐτοὶ μετέχειν οὐκ ἠξίωσαν. ἔργοις δὲ
65 μεγίστοις καὶ καλλίστοις ἀπελογήσαντο, ὅτι οὐ
κακίᾳ τῇ αὑτῶν οὐδ' ἀρετῇ <τῇ>[1] τῶν πολεμίων
πρότερον ἐδυστύχησεν ἡ πόλις· εἰ γὰρ στασιάσαντες
πρὸς ἀλλήλους βίᾳ παρόντων Πελοπον-

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[1] τῇ add. Hertlein.

in fresh encounters the ancient valour of their ancestors ; ready to purchase with their own lives a common share in the city for the rest ; choosing death with freedom rather than life with slavery ; no less ashamed of their disasters than angered against the enemy ; preferring to die in their own land rather than live to dwell in that of others ; and having as allies their oaths and covenants, and as enemies their open foes of aforetime and their own fellow-citizens. Nevertheless, having felt no fear of the multitude of their opponents, and having exposed their own persons to the peril, they set up a trophy over their enemies, and now find witnesses to their valour, close to this monument, in the tombs of the Lacedaemonians.[a] For we know that they restored in the sight of the world the diminished greatness of our city, revived in her the harmony that had been shattered by faction, and rebuilt walls in place of those that had been demolished. The men who finally returned, showing the kinship of their counsels with the deeds of those who lie here, applied themselves, not to vengeance upon their enemies, but to the preservation of the city ; and being men who at once could not be overreached and would not seek their own advantage, they shared their own freedom even with those who wished to be slaves, and declined for themselves a share in that slavery. By the conspicuous greatness and nobility of their conduct they justified the claim that the former disasters of the city were due to no remissness of theirs, nor to the valour of the enemy ; for if they proved able, after internal dissensions and despite the presence of the

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[a] Slain in a fight between the Athenian democrats and the Spartans under Pausanias.

νησίων καὶ τῶν ἄλλων ἐχθρῶν εἰς τὴν αὑτῶν οἷοί τε ἐγένοντο κατελθεῖν, δῆλον ὅτι ῥᾳδίως ἂν ὁμονοοῦντες πολεμεῖν αὐτοῖς ἐδύναντο.

66 Ἐκεῖνοι μὲν οὖν διὰ τοὺς ἐν Πειραιεῖ κινδύνους ὑπὸ πάντων ἀνθρώπων ζηλοῦνται· ἄξιον δὲ καὶ τοὺς ξένους τοὺς ἐνθάδε κειμένους ἐπαινέσαι, οἳ τῷ πλήθει βοηθήσαντες καὶ περὶ τῆς ἡμετέρας σωτηρίας μαχόμενοι, πατρίδα τὴν ἀρετὴν ἡγησάμενοι, τοιαύτην τοῦ βίου τελευτὴν ἐποιήσαντο· ἀνθ' ὧν ἡ πόλις αὐτοὺς καὶ ἐπένθησε καὶ ἔθαψε δημοσίᾳ, καὶ ἔδωκεν ἔχειν αὐτοῖς τὸν ἅπαντα χρόνον τὰς αὐτὰς τιμὰς τοῖς ἀστοῖς.

67 Οἱ δὲ νῦν θαπτόμενοι, βοηθήσαντες Κορινθίοις [197] ὑπὸ παλαιῶν φίλων ἀδικουμένοις καινοὶ[1] σύμμαχοι γενόμενοι, οὐ τὴν αὐτὴν γνώμην Λακεδαιμονίοις ἔχοντες (οἱ μὲν γὰρ τῶν ἀγαθῶν αὐτοῖς ἐφθόνουν, οἱ δὲ ἀδικουμένους αὐτοὺς ἠλέουν, οὐ τῆς προτέρας ἔχθρας μεμνημένοι, ἀλλὰ τὴν παροῦσαν φιλίαν περὶ πολλοῦ ποιούμενοι) πᾶσιν ἀνθρώποις 68 φανερὰν τὴν αὑτῶν ἀρετὴν ἐπεδείξαντο. ἐτόλμησαν γὰρ μεγάλην ποιοῦντες τὴν Ἑλλάδα οὐ μόνον ὑπὲρ τῆς αὑτῶν σωτηρίας κινδυνεύειν, ἀλλὰ καὶ ὑπὲρ τῆς τῶν πολεμίων ἐλευθερίας ἀποθνῄσκειν· τοῖς γὰρ Λακεδαιμονίων συμμάχοις περὶ τῆς ἐκείνων ἐλευθερίας ἐμάχοντο. νικήσαντες μὲν γὰρ ἐκείνους τῶν αὐτῶν ἠξίουν, δυστυχήσαντες δὲ βέβαιον τὴν δουλείαν τοῖς ἐν τῇ Πελοποννήσῳ κατέλιπον.

69 Ἐκείνοις μὲν οὖν οὕτω διακειμένοις ὁ βίος

[1] καινοὶ Taylor: κοινοὶ MSS.

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[a] As aliens, they were stirred by love of valour rather than by patriotism.

Peloponnesians and their other enemies, to return to their own place, unanimity would clearly have made it an easy matter for them to make war on their foes.

Thus the struggles at the Peiraeus have earned for those men the envy of all mankind. But it is right that we should also praise the strangers who lie here : they came to the support of the people, and fought for our salvation ; they regarded valour as their native land,[a] and with this noble end they closed their lives. In return the city has not only mourned them but given them a public funeral, and has granted them in perpetuity the same honours as it gives to its own people.

The men who are being buried to-day went to support the Corinthians, who were wronged by ancient friends, while they were but new allies ; they did not act in the same spirit as the Lacedaemonians (who envied the Corinthians their wealth, whereas our men pitied them for their wrongs, unmindful of their former enmity and regardful of their present friendship), but showed forth their own valour in the sight of all men. To enhance the greatness of Greece they had the courage, not merely to imperil themselves for their own preservation, but also to die for their enemies' freedom : for they fought the allies of the Lacedaemonians for the freedom of those allies. Had they conquered, they deemed their foes worthy of obtaining equal rights : in their misfortune they settled an inheritance of slavery on the peoples of the Peloponnese.[b]

Now in such a plight as theirs, life was miserable,

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[b] The Athenians' object in these operations was to check the expansive policy of Sparta by striking at her allies in the Peloponnese. Corinth was the centre of the struggle.

οἰκτρὸς καὶ ὁ θάνατος εὐκτός· οὗτοι δὲ καὶ ζῶντες
καὶ ἀποθανόντες ζηλωτοί, παιδευθέντες μὲν ἐν
τοῖς τῶν προγόνων ἀγαθοῖς, ἄνδρες δὲ γενόμενοι
τήν τε ἐκείνων δόξαν διασώσαντες καὶ τὴν αὑτῶν
70 ἀρετὴν ἐπιδείξαντες. πολλῶν μὲν γὰρ καὶ καλῶν
αἴτιοι γεγένηνται τῇ ἑαυτῶν πατρίδι, ἐπηνώρθωσαν
δὲ τὰ ὑφ' ἑτέρων δυστυχηθέντα, πόρρω δ'
ἀπὸ τῆς αὑτῶν τὸν πόλεμον κατέστησαν. ἐτελεύτησαν
δὲ τὸν βίον, ὥσπερ χρὴ τοὺς ἀγαθοὺς
ἀποθνῄσκειν, τῇ μὲν πατρίδι τὰ τροφεῖα ἀποδόντες,
τοῖς δὲ θρέψασι λύπας καταλιπόντες.
71 ὥστε ἄξιον τοῖς ζῶσι τούτους ποθεῖν καὶ σφᾶς
αὐτοὺς ὀλοφύρεσθαι καὶ τοὺς προσήκοντας αὐτῶν
ἐλεεῖν τοῦ ἐπιλοίπου βίου. τίς γὰρ αὐτοῖς ἔτι
ἡδονὴ καταλείπεται τοιούτων ἀνδρῶν θαπτομένων,
οἳ πάντα περὶ ἐλάττονος τῆς ἀρετῆς ἡγούμενοι
αὑτοὺς μὲν ἀπεστέρησαν βίου, χήρας δὲ γυναῖκας
ἐποίησαν, ὀρφανοὺς δὲ τοὺς αὑτῶν παῖδας ἀπέλιπον,
ἐρήμους δ' ἀδελφοὺς καὶ πατέρας καὶ μητέρας κατέστησαν;
72 πολλῶν δὲ καὶ δεινῶν ὑπαρχόντων τοὺς
μὲν παῖδας αὐτῶν ζηλῶ, ὅτι νεώτεροί εἰσιν ἢ
ὥστε εἰδέναι οἵων πατέρων ἐστέρηνται, ἐξ ὧν δ'
οὗτοι γεγόνασιν, οἰκτείρω, ὅτι πρεσβύτεροι ἢ ὥστε
73 ἐπιλαθέσθαι τῆς δυστυχίας τῆς ἑαυτῶν. τί γὰρ ἂν
τούτων ἀνιαρότερον γένοιτο, ἢ τεκεῖν μὲν καὶ
θρέψαι καὶ θάψαι τοὺς αὑτῶν, ἐν δὲ τῷ γήρᾳ
ἀδυνάτους μὲν εἶναι τῷ σώματι, πασῶν δ' ἀπεστερημένους
τῶν ἐλπίδων ἀφίλους καὶ ἀπόρους γεγονέναι,
ὑπὲρ[1] δὲ τῶν αὐτῶν πρότερον ζηλοῦσθαι καὶ
νῦν ἐλεεῖσθαι, ποθεινότερον δ' αὐτοῖς εἶναι τὸν θάνατον
τοῦ βίου; ὅσῳ γὰρ ἄνδρες ἀμείνους ἦσαν,

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[1] ὑπὲρ Sauppe: ὑπὸ mss.

death desirable. But these men, both in their life and after their death, are enviable ; for they were first trained in the excellences of their ancestors, and then in manhood they preserved that ancient fame intact and displayed their own prowess. For the benefits that they have conferred on their own native land are many and splendid ; they restored the broken fortunes of others, and kept the war at a distance from their own country.[a] They have closed their lives with a death that befits true men, for thus they repaid their native land for their nurture and bequeathed sorrow to those who reared them. Hence it is meet that the living should yearn for these men, and bewail themselves, and pity their kindred for the life that lies before them. For what pleasure now remains for them, when such men as these are buried ? These, prizing valour above all else, deprived themselves of life, widowed their wives, left their own children orphans, and brothers, fathers, mothers in a state of desolation. Though their children have many troubles in store for them, I envy them because they are too young to know of what noble fathers they have been bereft : but I pity those whose sons they were, as being too old to forget their own misfortune. For what woe could be more incurable than to bring forth and rear and bury one's own children, and then in old age to be disabled in body and, having lost every hope, to find oneself friendless and resourceless ? to have the very cause of former envy turned now to a matter of pity, and to regard death as more desirable than life ? For the

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[a] *i.e.*, in the territory of Corinth.

τοσούτῳ τοῖς καταλειπομένοις τὸ πένθος μεῖζον.
74 πῶς δ' αὐτοὺς χρὴ λῆξαι τῆς λύπης; πότερον ἐν
ταῖς τῆς πόλεως συμφοραῖς; ἀλλὰ τότε αὐτῶν
εἰκὸς καὶ τοὺς ἄλλους μεμνῆσθαι. ἀλλ' ἐν ταῖς
εὐτυχίαις ταῖς κοιναῖς; ἀλλ' ἱκανὸν λυπῆσαι, τῶν
μὲν σφετέρων τέκνων τετελευτηκότων, τῶν δὲ
ζώντων ἀπολαυόντων τῆς τούτων ἀρετῆς. ἀλλ'
ἐν τοῖς ἰδίοις κινδύνοις, ὅταν ὁρῶσι τοὺς μὲν
πρότερον ὄντας φίλους φεύγοντας τὴν αὐτῶν ἀπορίαν,
τοὺς δ' ἐχθροὺς μέγα φρονοῦντας ἐπὶ ταῖς
75 δυστυχίαις ταῖς τούτων; μόνην δ' ἄν μοι δοκοῦμεν
ταύτην τοῖς ἐνθάδε κειμένοις ἀποδοῦναι χάριν,
εἰ τοὺς μὲν τοκέας αὐτῶν ὁμοίως ὥσπερ ἐκεῖνοι
περὶ πολλοῦ ποιοίμεθα, τοὺς δὲ παῖδας οὕτως
ἀσπαζοίμεθα ὥσπερ αὐτοὶ πατέρες ὄντες, ταῖς δὲ
γυναιξὶν εἰ τοιούτους βοηθοὺς ἡμᾶς αὐτοὺς παρέχοιμεν,
οἷοίπερ ἐκεῖνοι ζῶντες ἦσαν. τίνας γὰρ ἂν
76 εἰκότως μᾶλλον τιμῷμεν τῶν ἐνθάδε κειμένων; τίνας
δ' ἂν τῶν ζώντων δικαιότερον περὶ πολλοῦ ποιοίμεθα
ἢ τοὺς τούτοις προσήκοντας, οἳ τῆς μὲν
τούτων ἀρετῆς τὸ ἴσον τοῖς ἄλλοις ἀπέλαυσαν,
ἀποθανόντων δὲ μόνοι γνησίως τῆς δυστυχίας
μετέχουσιν.

77 Ἀλλὰ γὰρ οὐκ οἶδ' ὅ τι δεῖ τοιαῦτα ὀλοφύρεσθαι·
οὐ γὰρ ἐλανθάνομεν ἡμᾶς αὐτοὺς ὄντες θνητοί·
ὥστε τί δεῖ, ἃ πάλαι προσεδοκῶμεν πείσεσθαι,
ὑπὲρ τούτων νῦν ἄχθεσθαι, ἢ λίαν οὕτω βαρέως
φέρειν ἐπὶ ταῖς τῆς φύσεως συμφοραῖς, ἐπισταμένους
ὅτι ὁ θάνατος κοινὸς καὶ τοῖς χειρίστοις καὶ
[198] τοῖς βελτίστοις; οὔτε γὰρ τοὺς πονηροὺς ὑπερορᾷ
78 οὔτε τοὺς ἀγαθοὺς θαυμάζει, ἀλλ' ἴσον ἑαυτὸν
παρέχει πᾶσιν. εἰ μὲν γὰρ οἷόν τε ἦν τοῖς τοὺς

more they excelled in manhood, the greater the grief to those who are left behind. And how should they have surcease from their sorrow? In the city's disasters? But then, surely, the fallen will be remembered by everyone else as well. In the public successes? But it is cause enough for sorrow that after the death of their children the living should enjoy the fruits of their valour. In their private adversities? When they see their former friends deserting them in their destitution, and their enemies elated with the misfortunes of the fallen? We have but one way, as it seems to me, of showing our gratitude to those who lie here: it is to hold their parents in the same high regard as they did, to be as affectionate to their children as though we were ourselves their fathers, and to give such support to their wives as they did while they lived. For whom could we be expected to honour in preference to those who lie here? Whom amongst the living should we more justly hold in high regard than their relations, who were on an equality with us all in reaping the fruits of their valour, but now that they are dead bear alone the kinsmen's part in their misfortune?

But in truth I do not know what need there is to lament so sadly: for we were quite aware that we were mortals. So why chafe now at the fate which we so long expected, or be so extremely distressed by the calamities of nature, when we know well that death is common to the basest and the noblest alike? Death neither disdains the wicked nor admires the virtuous, but is even-handed with all. Were it possible

ἐν τῷ πολέμῳ κινδύνους διαφυγοῦσιν ἀθανάτους
εἶναι τὸν λοιπὸν χρόνον, ἄξιον τοῖς ζῶσι τὸν
ἅπαντα χρόνον πενθεῖν τοὺς τεθνεῶτας· νῦν δὲ ἥ
τε φύσις καὶ νόσων ἥττων καὶ γήρως, ὅ τε δαίμων
ὁ τὴν ἡμετέραν μοῖραν εἰληχὼς ἀπαραίτητος.
79 ὥστε προσήκει τούτους εὐδαιμονεστάτους ἡγεῖσθαι,
οἵτινες ὑπὲρ μεγίστων καὶ καλλίστων κινδυνεύσαντες
οὕτω τὸν βίον ἐτελεύτησαν, οὐκ ἐπιτρέψαντες
περὶ αὐτῶν τῇ τύχῃ, οὐδ᾽ ἀναμείναντες
τὸν αὐτόματον θάνατον, ἀλλ᾽ ἐκλεξάμενοι τὸν
κάλλιστον. καὶ γάρ τοι ἀγήρατοι μὲν αὐτῶν αἱ
μνῆμαι, ζηλωταὶ δὲ ὑπὸ πάντων ἀνθρώπων αἱ
80 τιμαί· οἳ πενθοῦνται μὲν διὰ τὴν φύσιν ὡς θνητοί,
ὑμνοῦνται δὲ ὡς ἀθάνατοι διὰ τὴν ἀρετήν. καὶ
γάρ τοι θάπτονται δημοσίᾳ, καὶ ἀγῶνες τίθενται
ἐπ᾽ αὐτοῖς ῥώμης καὶ σοφίας καὶ πλούτου, ὡς
ἀξίους ὄντας τοὺς ἐν τῷ πολέμῳ τετελευτηκότας
ταῖς αὐταῖς τιμαῖς καὶ τοὺς ἀθανάτους τιμᾶσθαι.
81 ἐγὼ μὲν οὖν αὐτοὺς καὶ μακαρίζω τοῦ θανάτου καὶ
ζηλῶ, καὶ μόνοις τούτοις ἀνθρώπων οἶμαι κρεῖττον
εἶναι γενέσθαι, οἵτινες, ἐπειδὴ θνητῶν σωμάτων
ἔτυχον, ἀθάνατον μνήμην διὰ τὴν ἀρετὴν <τὴν>[1]
αὐτῶν κατέλιπον· ὅμως δ᾽ ἀνάγκη τοῖς ἀρχαίοις
ἔθεσι χρῆσθαι, καὶ θεραπεύοντας τὸν πάτριον
νόμον ὀλοφύρεσθαι τοὺς θαπτομένους.

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[1] τὴν add. Hude.

for those who escaped the perils of war to be immortal for all time, there would be cause for the living to mourn the dead for evermore. But we see not only that our nature yields to sickness and old age, but that the spirit to whom has been allotted the charge of our fate is inexorable.

Therefore it is fitting to consider those most happy who have closed their lives in risking them for the greatest and noblest ends; not committing their career to chance, nor awaiting the death that comes of itself, but selecting the fairest one of all. For I say their memory can never grow old, while their honour is every man's envy. Of their nature it comes that they are mourned as mortal, of their valour that they are lauded as immortal. Thus you see them given a public funeral, and contests of strength and knowledge and wealth[a] held at their tomb; because we think that those who have fallen in war are worthy of receiving the same honours as the immortals. So I, indeed, call them blessed in their death, and envy them; I hold that for those alone amongst men is it worth while to be born who, having received mortal bodies, have left behind an immortal memory arising from their valour. Nevertheless, we must needs follow our ancient customs, and observe our ancestral law by bewailing those who are now being buried.

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[a] Since about 450 B.C. the State funerals had become elaborate festivals: they were celebrated each year in October, and included athletic and musical competitions.

III. AGAINST SIMON: DEFENCE

INTRODUCTION

This speech, like that which follows it, *On a Wound by Premeditation*, is for the defence in a prosecution before the court of the Areopagus for wounding with intent to kill : the penalty following conviction is banishment and confiscation of property. The main object of the speaker is to prove that there was no premeditation ; that any wounds that may have been given were the result of casual brawls ; and that the first acts of violence came from his opponents. After blaming his accuser, Simon, for bringing the action at all, and excusing his own part in a discreditable quarrel (1–5), he tells the story of his and Simon's amorous rivalry for the possession of a young Plataean—probably a slave—named Theodotus. This led Simon to make a raid on his house, and then to attack him in the street (6–8). The defendant, to avoid scandal, went abroad for a while, taking Theodotus with him. On their return, Simon and his friends tried to seize the boy, and some further fights ensued (9–20). The argument then proceeds to show the falsity of Simon's contentions,—that he had paid a sum of money to the young fellow, that he later recovered it by private arrangement with the defendant, and so did not have to claim it, that he was badly beaten outside his house, and that he was the victim of a premeditated scheme (21–34). The victimization is rather the other way about (35–39). The terms of the law clearly show that the defendant's part in the affair cannot be regarded as criminal (40–43). The military record of Simon tells the same tale of unruliness and mischief (44–45). The conclusion recalls the facts of the case, and claims compassion for the serious risk to which the defendant is exposed (46–48).

The mention of the battles at Corinth and Coronea places the date of the trial at some time later than 394 B.C. The practised skill of Lysias is evident throughout the speech,—in the contrast between the honest, peace-loving character of the defendant and the reckless, insolent and violent temper of the prosecutor, in the brief yet vivid descriptions of affrays in the street, and in the tactful frankness with which a respectable citizen of middle age is enabled to speak of an amorous indiscretion and its disagreeable consequences.

III. ΠΡΟΣ ΣΙΜΩΝΑ ΑΠΟΛΟΓΙΑ

1 [96] Πολλὰ καὶ δεινὰ συνειδὼς Σίμωνι, ὦ βουλή, οὐκ
ἄν ποτ᾽ αὐτὸν εἰς τοσοῦτον τόλμης ἡγησάμην ἀφικέσθαι,
ὥστε ὑπὲρ ὧν αὐτὸν ἔδει δοῦναι δίκην,
ὑπὲρ τούτων ὡς ἀδικούμενον ἔγκλημα ποιήσασθαι
καὶ οὕτω μέγαν καὶ σεμνὸν ὅρκον διομοσάμενον
2 εἰς ὑμᾶς ἐλθεῖν. εἰ μὲν οὖν ἄλλοι τινὲς ἔμελλον
περὶ ἐμοῦ διαγνώσεσθαι, σφόδρα ἂν ἐφοβούμην
τὸν κίνδυνον, ὁρῶν ὅτι καὶ παρασκευαὶ καὶ τύχαι
ἐνίοτε τοιαῦται γίγνονται, ὥστε πολλὰ καὶ παρὰ
γνώμην ἀποβαίνειν τοῖς κινδυνεύουσιν· εἰς ὑμᾶς δ᾽
3 εἰσελθὼν ἐλπίζω τῶν δικαίων τεύξεσθαι. μάλιστα
δ᾽ ἀγανακτῶ, ὦ βουλή, ὅτι περὶ τῶν πραγμάτων[1]
εἰπεῖν ἀναγκασθήσομαι πρὸς ὑμᾶς, ὑπὲρ ὧν ἐγὼ
αἰσχυνόμενος, εἰ μέλλοιεν πολλοί μοι συνείσεσθαι,
ἠνεσχόμην ἀδικούμενος. ἐπειδὴ δὲ Σίμων με εἰς
τοιαύτην ἀνάγκην κατέστησεν, οὐδὲν ἀποκρυψάμενος
ἅπαντα διηγήσομαι πρὸς ὑμᾶς τὰ πεπραγμένα.
4 ἀξιῶ δέ, ὦ βουλή, εἰ μὲν ἀδικῶ, μηδεμιᾶς συγγνώμης
τυγχάνειν· ἐὰν δὲ περὶ τούτων ἀποδείξω
ὡς οὐκ ἔνοχός εἰμι οἷς Σίμων διωμόσατο, ἄλλως
δὲ ὑμῖν φαίνωμαι παρὰ τὴν ἡλικίαν τὴν ἐμαυτοῦ
ἀνοητότερον πρὸς τὸ μειράκιον διατεθείς, αἰτοῦμαι

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[1] πραγμάτων Markland: τραυμάτων MSS.

III. AGAINST SIMON: DEFENCE

Although I was aware of much that was outrageous about Simon, gentlemen of the Council, I did not believe that he would ever have carried audacity to the pitch of lodging a complaint as the injured party in a case where he was the person who should be punished, and of taking that great and solemn affidavit[a] and so coming before you. Now if it were any other court that was to make a decision upon me, I should be terrified by the danger, considering what strange machinations and chances occur at times to cause a variety of surprises to those who are standing their trial: but as it is before you that I appear, I hope to obtain justice. What especially vexes me, gentlemen, is that I shall be compelled to speak to you of the facts of this case; for it was my feeling of shame at the mere thought of these becoming widely known that made me put up with my wrongs. But since Simon has placed me in such a necessity, I will relate to you the whole of the facts without the slightest reserve. If I am guilty, gentlemen, I expect to get no indulgence; but if I prove my innocence as regards the counts of Simon's affidavit, while for the rest you consider my attitude towards the boy too senseless for a man of my age, I ask you not to think the

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[a] The oath or affidavit (διωμοσία) taken by both parties to a suit at a previous examination (ἀνάκρισις).

ὑμᾶς μηδέν με χείρω νομίζειν, εἰδότας ὅτι ἐπιθυμῆσαι
μὲν ἅπασιν ἀνθρώποις ἔνεστιν, οὗτος δὲ
βέλτιστος ἂν εἴη καὶ σωφρονέστατος, ὅστις κοσμιώτατα
τὰς συμφορὰς φέρειν δύναται. οἷς ἅπασιν
ἐμποδὼν ἐμοὶ γεγένηται Σίμων οὑτοσί, ὡς ἐγὼ
ὑμῖν ἐπιδείξω.

5 Ἡμεῖς γὰρ ἐπεθυμήσαμεν, ὦ βουλή, Θεοδότου,
Πλαταϊκοῦ μειρακίου, καὶ ἐγὼ μὲν εὖ ποιῶν αὐτὸν
ἠξίουν εἶναί μοι φίλον, οὗτος δὲ ὑβρίζων καὶ παρανομῶν
ᾤετο ἀναγκάσειν αὐτὸν ποιεῖν ὅ τι βούλοιτο.
ὅσα μὲν οὖν ἐκεῖνος κακὰ ὑπ' αὐτοῦ πέπονθε, πολὺ
ἂν ἔργον εἴη λέγειν· ὅσα δὲ εἰς ἐμὲ αὐτὸν ἐξημάρτηκεν,
6 ἡγοῦμαι ταῦθ' ὑμῖν προσήκειν ἀκοῦσαι. πυθόμενος
γὰρ ὅτι τὸ μειράκιον ἦν παρ' ἐμοί, ἐλθὼν ἐπὶ
[97] τὴν οἰκίαν τὴν ἐμὴν νύκτωρ μεθύων, ἐκκόψας τὰς
θύρας εἰσῆλθεν εἰς τὴν γυναικωνῖτιν, ἔνδον οὐσῶν
τῆς τε ἀδελφῆς τῆς ἐμῆς καὶ τῶν ἀδελφιδῶν, αἳ
οὕτω κοσμίως βεβιώκασιν ὥστε καὶ ὑπὸ τῶν
7 οἰκείων ὁρώμεναι αἰσχύνεσθαι. οὗτος τοίνυν εἰς
τοῦτο ἦλθεν ὕβρεως ὥστ' οὐ πρότερον ἠθέλησεν
ἀπελθεῖν, πρὶν αὐτὸν ἡγούμενοι δεινὰ ποιεῖν οἱ
παραγενόμενοι καὶ οἱ μετ' αὐτοῦ ἐλθόντες, ἐπὶ
παῖδας κόρας καὶ ὀρφανὰς εἰσιόντα, ἐξήλασαν βίᾳ.
καὶ τοσούτου ἐδέησεν αὐτῷ μεταμελῆσαι τῶν
ὑβρισμένων, ὥστε ἐξευρὼν οὗ ἐδειπνοῦμεν ἀτοπώτατον
πρᾶγμα καὶ ἀπιστότατον ἐποίησεν, εἰ
8 μή τις εἰδείη τὴν τούτου μανίαν. ἐκκαλέσας γάρ
με ἔνδοθεν, ἐπειδὴ τάχιστα ἐξῆλθον, εὐθύς με
τύπτειν ἐπεχείρησεν· ἐπειδὴ δὲ αὐτὸν ἠμυνάμην,

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[a] Athenian women usually lived in seclusion, and only left

worse of me for that, since you know that all mankind are liable to desire, but that he may be the best and most temperate who is able to bear its misfortunes in the most orderly spirit. All my efforts in this way have been thwarted by the plaintiff Simon, as I shall make clear to you.

We felt desire, gentlemen, for Theodotus, a Plataean boy; and while I looked to win his affection by kindness, this man thought by outrage and defiance of the law to compel him to accede to his wishes. To tell all the ill-treatment that the boy has suffered from him would be a lengthy business: but I think it proper that you should hear the numerous offences he has committed against myself. Hearing that the boy was at my house, he came there at night in a drunken state, broke down the doors, and entered the women's rooms: within were my sister and my nieces, whose lives have been so well-ordered that they are ashamed to be seen even by their kinsmen.[a] This man, then, carried insolence to such a pitch that he refused to go away until the people who appeared on the spot, and those who had accompanied him, feeling it a monstrous thing that he should intrude on young girls and orphans, drove him out by force. Far from repenting of his outrageous proceedings, he found out where we were dining, and acted in the strangest, the most incredible manner, as it might seem to those unacquainted with his madness. He called me out of doors, and, as soon as I went outside, made an immediate attempt to strike me. When I beat him off, he stood out of reach and began pelting me with

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the house to attend a religious ceremony or festival; *cf.* Speech I. 20; Thucyd. ii. 45.

ἐκστὰς[1] ἔβαλλέ με λίθοις. καὶ ἐμοῦ μὲν ἁμαρτάνει,
Ἀριστοκρίτου δέ, ὃς παρ' ἐμὲ ἦλθε μετ' αὐτοῦ,
9 βαλὼν λίθῳ συντρίβει τὸ μέτωπον. ἐγὼ τοίνυν, ὦ
βουλή, ἡγούμενος μὲν δεινὰ πάσχειν, αἰσχυνόμενος
δέ, ὅπερ ἤδη καὶ πρότερον εἶπον, τῇ συμφορᾷ,
ἠνειχόμην, καὶ μᾶλλον ᾑρούμην μὴ λαβεῖν τούτων
τῶν ἁμαρτημάτων δίκην ἢ δόξαι τοῖς πολίταις
ἀνόητος εἶναι, εἰδὼς ὅτι τῇ μὲν τούτου πονηρίᾳ
πρέποντα ἔσται τὰ πεπραγμένα, ἐμοῦ δὲ πολλοὶ
καταγελάσονται τοιαῦτα πάσχοντος τῶν φθονεῖν
εἰθισμένων, ἐάν τις ἐν τῇ πόλει προθυμῆται χρηστὸς
10 εἶναι. οὕτω δὲ σφόδρα ἠπορούμην ὅ τι χρησαίμην,
ὦ βουλή, τῇ τούτου παρανομίᾳ, ὥστε ἔδοξέ μοι
κράτιστον εἶναι ἀποδημῆσαι [ἐκ τῆς πόλεως].[2]
λαβὼν δὴ τὸ μειράκιον (ἅπαντα γὰρ δεῖ τἀληθῆ
λέγειν) ᾠχόμην ἐκ τῆς πόλεως. ἐπειδὴ δὲ ᾤμην
ἱκανὸν εἶναι τὸν χρόνον Σίμωνι ἐπιλαθέσθαι μὲν τοῦ
νεανίσκου, μεταμελῆσαι δὲ τῶν πρότερον ἡμαρτημένων,
11 ἀφικνοῦμαι πάλιν. κἀγὼ μὲν ᾠχόμην εἰς
Πειραιᾶ, οὗτος δ' αἰσθόμενος εὐθέως ἥκοντα τὸν
Θεόδοτον καὶ διατρίβοντα παρὰ Λυσιμάχῳ, ὃς
ᾤκει πλησίον τῆς οἰκίας ἧς οὗτος ἐμεμίσθωτο,
παρεκάλεσέ τινας τῶν τούτου ἐπιτηδείων. καὶ
οὗτοι μὲν ἠρίστων καὶ ἔπινον, φύλακας δὲ κατέστησαν
ἐπὶ τοῦ τέγους, ἵν', ὁπότε ἐξέλθοι τὸ
12 μειράκιον, εἰσαρπάσειαν αὐτόν. ἐν δὲ τούτῳ τῷ
καιρῷ ἀφικνοῦμαι ἐγὼ ἐκ Πειραιῶς, καὶ τρέπομαι
παριὼν ὡς τὸν Λυσίμαχον· ὀλίγον δὲ χρόνον διατρίψαντες
ἐξερχόμεθα. οὗτοι δ' ἤδη μεθύοντες[3]
ἐκπηδῶσιν ἐφ' ἡμᾶς καὶ οἱ μέν τινες αὐτῷ τῶν
παραγενομένων οὐκ ἠθέλησαν συνεξαμαρτεῖν, Σί-

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[1] ἐκστὰς Taylor: ἐνστὰς mss.

stones. He missed me, but Aristocritus, who had accompanied him to my house, was struck by a stone which broke his forehead. So I, gentlemen, feeling myself grossly ill-used, but ashamed—as I have already told you before—at my misfortune, put up with it, and preferred to go without satisfaction for these offences rather than be thought lacking in sense by the citizens: for I knew that, while his actions would be found appropriate to his wickedness, I should be derided for the treatment I received by a number of people who are in the habit of resenting any ambition that one may show for a good standing in the city. I was so perplexed, gentlemen, in face of this man's lawless behaviour, that I decided that it would be best for me to reside abroad. So I took the boy (since the whole truth must be told), and left the city. When I thought it was time enough for Simon to have forgotten the young fellow, and also to have repented of his former offences, I came back again. I betook myself to the Peiraeus; but this man, observing immediately that Theodotus had arrived and was staying with Lysimachus,—who lived hard by the house that this man had rented,—invited some of his friends to join him: they all had luncheon and drank, and they posted watchers on the roof so that, when the boy should come out, they might seize upon him. At this moment I arrived from the Peiraeus, and in passing I turned into Lysimachus's house: after spending some little time there, we came out. Then those people, already drunk, sprang out upon us; some of his party refused to join in his criminal action,

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[2] *ἐκ τῆς πόλεως* del. Kayser.

[3] *οὗτοι δ' ἤδη μεθύοντες* Schott: *ἤδη μεθύοντες οὗτοι δ'* MSS.

μων δὲ οὑτοσὶ καὶ Θεόφιλος καὶ Πρώταρχος καὶ
Αὐτοκλῆς εἷλκον τὸ μειράκιον. ὁ δὲ ῥίψας τὸ
13 ἱμάτιον ᾤχετο φεύγων. ἐγὼ δὲ ἡγούμενος ἐκεῖνον
μὲν ἐκφεύξεσθαι, τούτους δ', ἐπειδὴ τάχιστα ἐντύχοιεν
ἀνθρώποις, αἰσχυνομένους ἀποτρέψεσθαι
—ταῦτα διανοηθεὶς ἑτέραν ὁδὸν ᾠχόμην ἀπιών·
οὕτω σφόδρ' αὐτοὺς ἐφυλαττόμην, καὶ πάντα τὰ[1]
ὑπὸ τούτων γιγνόμενα μεγάλην ἐμαυτῷ συμφορὰν
14 ἐνόμιζον. κἀνταῦθα[2] μέν, ἵνα φησὶ Σίμων τὴν
μάχην γενέσθαι, οὔτε τούτων οὔτε ἡμῶν οὐδεὶς
οὔτε κατεάγη τὴν κεφαλὴν οὔτε ἄλλο κακὸν οὐδὲν
ἔλαβεν, ὧν ἐγὼ τοὺς παραγενομένους ὑμῖν παρέξομαι
μάρτυρας.

ΜΑΡΤΥΡΕΣ

15 Ὅτι μὲν τοίνυν οὗτος ἦν ὁ ἀδικήσας, ὦ βουλή,
καὶ ἐπιβουλεύσας ἡμῖν, καὶ οὐκ ἐγὼ τούτῳ, ὑπὸ
τῶν παραγενομένων μεμαρτύρηται ὑμῖν. μετὰ δὲ
ταῦτα τὸ μὲν μειράκιον εἰς γναφεῖον κατέφυγεν,
οὗτοι δὲ συνεισπεσόντες ἦγον αὐτὸν βίᾳ, βοῶντα
16 καὶ κεκραγότα καὶ μαρτυρόμενον. συνδραμόντων
δὲ ἀνθρώπων πολλῶν καὶ ἀγανακτούντων τῷ
πράγματι καὶ δεινὰ φασκόντων εἶναι τὰ γιγνόμενα,
τῶν μὲν λεγομένων οὐδὲν ἐφρόντιζον, Μόλωνα δὲ
τὸν γναφέα καὶ ἄλλους τινὰς ἐπαμύνειν ἐπιχειροῦντας
17 συνέκοψαν. ἤδη δὲ αὐτοῖς οὖσι παρὰ
τὴν Λάμπωνος οἰκίαν ἐγὼ μόνος βαδίζων ἐντυγχάνω,
δεινὸν δὲ ἡγησάμενος εἶναι καὶ αἰσχρὸν περιιδεῖν
[98] οὕτως ἀνόμως καὶ βιαίως ὑβρισθέντα τὸν νεανίσκον,
ἐπιλαμβάνομαι αὐτοῦ. οὗτοι δέ, διότι μὲν τοιαῦτα

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[1] τὰ Reiske: ταῦτα MSS.

[2] κἀνταῦθα Contius: καὶ ταῦτα MSS.

but Simon here, and Theophilus, Protarchus and Autocles began dragging the boy along. He, however, flung off his cloak and ran away. Then I, expecting that he would make good his escape, while they, if they met anybody, would at once turn aside from a feeling of shame,—with this conclusion I took myself off by another street; so careful I was to give them a wide berth, for I regarded all the proceedings of these men as a grievous misfortune to myself. Thus, on the spot where Simon says that the fight occurred, nobody on either their or my side had his head broken or received any other hurt: as witnesses to all this I will produce to you the persons who were then present.

Witnesses

That this man, then, was the wrongdoer, gentlemen, and that he had designs on us, and not I on him, has been testified to you by those who were then present. After this the boy took refuge in a fuller's shop; but these men dashed in after him and laid violent hands on him, while he shouted and cried out and called the bystanders to witness. A crowd of people came running up, and protested against their action, which they declared a monstrous proceeding: these men gave no heed to anything that was said, but gave a severe beating to Molon the fuller and some others who were endeavouring to protect the lad. They had already got as far as Lampon's when I, walking by myself, met with them; and considering it a monstrous and shameful thing to stand by and see the young fellow subjected to such lawless and violent outrage, I seized hold of him. They, when asked why they were treating him

παρενόμουν εἰς ἐκεῖνον, οὐκ ἠθέλησαν εἰπεῖν ἐρωτηθέντες,
ἀφέμενοι δὲ τοῦ νεανίσκου ἔτυπτον ἐμέ.
18 μάχης δὲ γενομένης, ὦ βουλή, καὶ τοῦ μειρακίου
βάλλοντος αὐτοὺς καὶ περὶ τοῦ σώματος ἀμυνομένου
καὶ τούτων ἡμᾶς βαλλόντων, ἔτι δὲ τυπτόντων
αὐτὸν ὑπὸ τῆς μέθης καὶ ἐμοῦ ἀμυνομένου,
καὶ τῶν παραγενομένων ὡς ἀδικουμένοις ἡμῖν
ἁπάντων ἐπικουρούντων, ἐν τούτῳ τῷ θορύβῳ συντριβόμεθα
19 τὰς κεφαλὰς ἅπαντες. καὶ οἱ μὲν ἄλλοι
οἱ μετὰ τούτου παροινήσαντες, ἐπειδὴ τάχιστά
με εἶδον μετὰ ταῦτα, ἐδέοντό μου συγγνώμην
ἔχειν, οὐχ ὡς ἀδικούμενοι ἀλλ' ὡς δεινὰ πεποιηκότες·
καὶ ἐξ ἐκείνου τοῦ χρόνου τεττάρων ἐτῶν
παρεληλυθότων οὐδέν μοι πώποτε ἐνεκάλεσεν
20 οὐδείς. Σίμων δ' οὑτοσί, ὁ πάντων τῶν κακῶν
αἴτιος γενόμενος, τὸν μὲν ἄλλον χρόνον ἡσυχίαν
ἦγε δεδιὼς περὶ αὑτοῦ, ἐπειδὴ δὲ δίκας ἰδίας
ᾔσθετο κακῶς ἀγωνισάμενον ἐξ ἀντιδόσεως, καταφρονήσας
μου οὑτωσὶ τολμηρῶς εἰς τοιοῦτον ἀγῶνά
με κατέστησεν. ὡς οὖν καὶ ταῦτ' ἀληθῆ λέγω,
τούτων ὑμῖν τοὺς παραγενομένους μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

21 Τὰ μὲν οὖν γεγενημένα καὶ ἐμοῦ καὶ τῶν μαρτύρων ἀκηκόατε· ἐβουλόμην δ' ἄν, ὦ βουλή, Σίμωνα τὴν αὐτὴν γνώμην ἐμοὶ ἔχειν, ἵν' ἀμφοτέρων ἡμῶν ἀκούσαντες τἀληθῆ ῥᾳδίως ἔγνωτε τὰ δίκαια. ἐπειδὴ δὲ αὐτῷ οὐδὲν μέλει τῶν ὅρκων ὧν δι-

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[a] A wealthy citizen, such as the speaker here, had to undertake certain public services, which he could only avoid by challenging some other citizen, whom he considered

in such lawless fashion, refused to answer, but letting the young fellow go they began to beat me. A battle ensued, gentlemen; the boy was pelting them and defending his person, while they were pelting us; they also, in their drunkenness, were beating him, and I was defending myself, and the others present were all supporting us, as being the injured party; and in this brawl we all of us got our heads broken. The others whom Simon had led into this drunken assault, at their first sight of me after the affair begged my pardon, as men who, so far from suffering injury, had acted in a monstrous way; and though since that time four years have elapsed, nobody has ever brought any charge against me. Simon here, who was the author of all the trouble, kept quiet for some time, in fear for himself; but when he became aware that I had failed in a private suit on a challenge to an exchange of property,[a] he conceived a contempt for me and, with the audacity that you now see, has involved me in this serious prosecution. Now, as witnesses to show that here too I am speaking the truth, I will produce to you the persons who were present on the occasion.

Witnesses

So now you have heard from the witnesses as well as myself the story of what took place; and I could wish, gentlemen, that Simon had the same intentions as I, so that after hearing the truth from us both you might have arrived with ease at the just decision. But since he cares nothing for the oaths that he has

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wealthier than himself, either to exchange his property with him, or to undertake the service.

ὠμόσατο, πειράσομαι καὶ περὶ ὧν οὗτος ἔψευσται
22 διδάσκειν ὑμᾶς. ἐτόλμησε γὰρ εἰπεῖν ὡς αὐτὸς μὲν
τριακοσίας δραχμὰς ἔδωκε Θεοδότῳ, συνθήκας
πρὸς αὐτὸν ποιησάμενος, ἐγὼ δ᾽ ἐπιβουλεύσας ἀπέστησα
αὐτοῦ τὸ μειράκιον. καίτοι ἐχρῆν αὐτόν,
εἴπερ ἦν ταῦτ᾽ ἀληθῆ, παρακαλέσαντα μάρτυρας
ὡς πλείστους κατὰ τοὺς νόμους διαπράττεσθαι
23 περὶ αὐτῶν. οὗτος δὲ τοιοῦτον οὐδὲν πώποτε
φαίνεται ποιήσας, ὑβρίζων δὲ καὶ τύπτων [ἅμ᾽][1]
ἀμφοτέρους ἡμᾶς καὶ κωμάζων καὶ τὰς θύρας
ἐκβάλλων καὶ νύκτωρ εἰσιὼν ἐπὶ γυναῖκας ἐλευθέρας.
ἃ χρὴ μάλιστα, ὦ βουλή, τεκμήρια νομίζειν
24 ὅτι ψεύδεται πρὸς ὑμᾶς. σκέψασθε δὲ ὡς ἄπιστα
εἴρηκε. τὴν γὰρ οὐσίαν τὴν ἑαυτοῦ ἅπασαν πεντήκοντα
καὶ διακοσίων δραχμῶν ἐτιμήσατο. καίτοι
θαυμαστὸν εἰ τὸν ἑταιρήσοντα πλειόνων ἐμισθώσατο
25 ὧν αὐτὸς τυγχάνει κεκτημένος. εἰς τοῦτο
δ᾽ ἥκει τόλμης ὥστε οὐκ ἐξαρκεῖ περὶ τούτου
μόνον αὐτῷ ψεύσασθαι, περὶ τοῦ δεδωκέναι τὸ
ἀργύριον, ἀλλὰ καὶ κεκομίσθαι φησί· καίτοι πῶς
εἰκός ἐστι τότε μὲν ἡμᾶς τοιαῦτα ἐξαμαρτάνειν
οἷα κατηγόρηκεν οὗτος, ἀποστερῆσαι βουλομένους
τὰς τριακοσίας δραχμάς, ἐπειδὴ δὲ ἀπεμαχεσάμεθα,
τηνικαῦτα ἀποδοῦναι τὸ ἀργύριον αὐτῷ,
μήτε ἀφειμένους τῶν ἐγκλημάτων μήτε ἀνάγκης
26 ἡμῖν μηδεμιᾶς γενομένης; ἀλλὰ γάρ, ὦ βουλή,
πάντα αὐτῷ ταῦτα σύγκειται καὶ μεμηχάνηται,
καὶ δοῦναι μέν φησιν, ἵνα μὴ δοκῇ δεινὰ ποιεῖν, εἰ
μηδενὸς αὐτῷ συμβολαίου γεγενημένου τοιαῦτα
ἐτόλμα ὑβρίζειν τὸ μειράκιον, ἀπειληφέναι δὲ προσ-

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[1] ἅμ᾽ del. Taylor.

sworn, I will try also to inform you concerning the lies that he has told. He had the audacity to state that on his part he had given three hundred drachmae to Theodotus, under an agreement made with him, and that I by intrigue seduced the boy from him. And yet, if this was true, it was for him to summon as many witnesses as he could and pursue the matter in accordance with our laws. But it does not appear that he has ever done anything of the sort, but only that he has outraged and beaten us both, and has revelled and broken in doors and intruded on free women by night. You ought to take all this, gentlemen, as primary proof that he is lying to you. And then, consider how incredible his statements are. He has valued his property altogether at two hundred and fifty drachmae: yet how surprising that he should hire his companion for more than he himself in fact possesses! And he has carried audacity to such lengths that it does not suffice him merely to lie about this matter of having given the money, but he even says that he has recovered it! Yet how is it likely that I first committed such a crime as he has laid to my charge—of seeking to deprive him of his three hundred drachmae[a]—and then, after we had had our affray, paid him back the money, without either obtaining a quittance of all claims or being subjected to any compulsion? Why, gentlemen, this is all mere invention and artifice of his: he says that he gave it, so as to avoid the scandal of daring to commit such an outrage on the lad without any bargain struck between them; and he pretends that he has got it

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[a] Either simply by carrying off the young man or else by arranging with him for a share in the money.

ποιεῖται, διότι φανερός ἐστιν ἐγκαλέσας οὐδέποτ’
ἀργύριον οὐδὲ μνείαν περὶ τούτου οὐδεμίαν ποιησάμενος.
27 Φησὶ δ’ ἐπὶ ταῖς αὐτοῦ θύραις ὑπ’ ἐμοῦ δεινῶς
διατεθῆναι τυπτόμενος. φαίνεται δὲ πλεῖν ἢ τέτταρα
στάδια ἀπὸ τῆς οἰκίας διώξας τὸ μειράκιον οὐδὲν
κακὸν ἔχων, καὶ ταῦτα πλεῖν ἢ διακοσίων ἰδόντων
ἀνθρώπων ἔξαρνός ἐστι.
28 Λέγει δ’ ὡς ἡμεῖς ἤλθομεν ἐπὶ τὴν οἰκίαν τὴν
τούτου ὄστρακον ἔχοντες, καὶ ὡς ἠπείλουν αὐτῷ
ἐγὼ ἀποκτενεῖν, καὶ ὡς τοῦτό ἐστιν ἡ πρόνοια.
ἐγὼ δ’ ἡγοῦμαι, ὦ βουλή, ῥᾴδιον εἶναι γνῶναι
ὅτι ψεύδεται, οὐ μόνον ὑμῖν τοῖς εἰωθόσι σκοπεῖσθαι
περὶ τῶν τοιούτων, ἀλλὰ καὶ τοῖς ἄλλοις ἅπασι.
29 τῷ γὰρ ἂν δόξειε πιστὸν ὡς ἐγὼ προνοηθεὶς καὶ
[99] ἐπιβουλεύων ἦλθον ἐπὶ τὴν Σίμωνος οἰκίαν μεθ’
ἡμέραν, μετὰ τοῦ μειρακίου, τοσούτων ἀνθρώπων
παρ’ αὐτῷ συνειλεγμένων, εἰ μὴ εἰς τοῦτο μανίας
ἀφικόμην ὥστε ἐπιθυμεῖν εἷς ὢν πολλοῖς μάχεσθαι,
ἄλλως τε καὶ εἰδὼς ὅτι ἀσμένως ἄν με εἶδεν ἐπὶ
ταῖς θύραις ταῖς αὐτοῦ, ὃς καὶ ἐπὶ τὴν ἐμὴν οἰκίαν
φοιτῶν εἰσῄει βίᾳ, καὶ οὔτε τῆς ἀδελφῆς οὔτε τῶν
ἀδελφιδῶν φροντίσας ζητεῖν με ἐτόλμα, καὶ ἐξευρὼν
30 οὗ δειπνῶν ἐτύγχανον, ἐκκαλέσας ἔτυπτέ με; καὶ
τότε μὲν ἄρα, ἵνα μὴ περιβόητος εἴην, ἡσυχίαν
ἦγον, συμφορὰν ἐμαυτοῦ νομίζων τὴν τούτου
πονηρίαν· ἐπειδὴ δὲ χρόνος διεγένετο, πάλιν, ὡς
31 οὗτός φησιν, ἐπεθύμησα περιβόητος γενέσθαι; καὶ
εἰ μὲν ἦν παρὰ τούτῳ τὸ μειράκιον, εἶχεν ἄν τινα
λόγον τὸ ψεῦδος αὐτῷ ὡς ἐγὼ διὰ τὴν ἐπιθυμίαν

back, because it is clear that he never laid a claim to money or made the least mention of the matter.[a]

He says that I gave him a beating at the door of his house, which left him in a terrible state. But we find that he pursued the boy for more than four stades[b] from his house with no sign of injury, and this he denies, although it was seen by more than two hundred people.

He states that we went to his house with potsherds in our hands, and that I threatened to kill him, and that this is premeditation. But I think that this lie of his, gentlemen, is easily detected, not only by you who are used to investigating this sort of case, but by everyone else as well. For who can find it credible that by a premeditated manœuvre I went to Simon's house after daybreak with the boy, when so many people had gathered about him, unless I had become so utterly insane as to be eager to fight them all single-handed; especially when I knew that he would have been delighted to see me at his door,—he who in fact kept coming to my house, and entered it by force, and, disregarding both my sister and my nieces, had the audacity to seek me out, and having discovered where I happened to be dining called me out and beat me? And so, as it seems, I, who at first, to avoid notoriety, kept quiet, taking this man's wickedness to be so much misfortune to myself, was yet after a lapse of time, as he says, converted to a desire for notoriety! Now if the boy had been living with him, there would be some show of reason in his lie that I was

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[a] His pretence of having got the money back by private arrangement is the excuse he makes for not having formally claimed the money of which he says he was defrauded.

[b] About 800 yards.

ἠναγκαζόμην ἀνοητότερόν τι ποιεῖν τῶν εἰκότων·
νῦν δὲ τούτῳ μὲν οὐδὲ διελέγετο, ἀλλ' ἐμίσει
πάντων ἀνθρώπων μάλιστα, παρ' ἐμοὶ δ' ἐτύγχανε
32 διαιτώμενον. ὥστε τῷ ὑμῶν πιστὸν ὡς ἐγὼ
πρότερον μὲν ἐξέπλευσα ἐκ τῆς πόλεως ἔχων τὸ
μειράκιον, ἵνα μὴ τούτῳ μαχοίμην, ἐπειδὴ δὲ
ἀφικόμην πάλιν, ἦγον αὐτὸν ἐπὶ τὴν οἰκίαν τὴν
Σίμωνος, οὗ πλεῖστα ἔμελλον πράγματα ἕξειν;
33 καὶ ἐπεβούλευον μὲν αὐτῷ, οὕτω δὲ ἦλθον ἀπαράσκευος,
ὥστε μήτε φίλους μήτε οἰκέτας μήτε
ἄλλον ἄνθρωπον παρακαλέσαι μηδένα, εἰ μὴ τοῦτό
γε τὸ παιδίον, ὃ ἐπικουρῆσαι μέν μοι οὐκ ἂν
ἐδύνατο, μηνῦσαι δὲ ἱκανὸν ἦν βασανιζόμενον, εἴ
34 τι ἐγὼ ἐξημάρτανον; ἀλλ' εἰς τοσοῦτον ἀμαθίας
ἀφικόμην, ὥστε ἐπιβουλεύων Σίμωνι οὐκ ἐτήρησα
αὐτὸν οὗ μόνον οἷόν τ' ἦν λαβεῖν, ἢ νύκτωρ ἢ μεθ'
ἡμέραν, ἀλλ' ἐνταῦθα ἦλθον οὗ αὐτὸς ἔμελλον ὑπὸ
πλείστων ὀφθήσεσθαί τε καὶ συγκοπήσεσθαι, ὥσπερ
κατ' ἐμαυτοῦ τὴν πρόνοιαν ἐξευρίσκων, ἵν'
ὡς μάλιστα ὑπὸ τῶν ἐχθρῶν ὑβρισθείην;

35 Ἔτι τοίνυν, ὦ βουλή, καὶ ἐκ τῆς μάχης τῆς
γενομένης ῥᾴδιον γνῶναι ὅτι ψεύδεται. τὸ γὰρ
μειράκιον ὡς ἔγνω, ῥῖψαν θοἰμάτιον, φεῦγον ᾤχετο,
οὗτοι δὲ αὐτὸν ἐπεδίωκον, ἐγὼ δὲ ἑτέραν ἀπελθὼν
36 ὁδὸν ᾠχόμην. καίτοι ποτέρους χρὴ αἰτίους τῶν γεγενημένων
εἶναι νομίζειν, τοὺς φεύγοντας ἢ τοὺς
ζητοῦντας καταλαβεῖν; ἐγὼ μὲν γὰρ ἡγοῦμαι
πᾶσιν εἶναι δῆλον ὅτι φεύγουσι μὲν οἱ περὶ αὐτῶν
δεδιότες, διώκουσι δὲ οἱ βουλόμενοί τι ποιῆσαι

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[a] If Theodotus was a *free* Plataean, he would have the same rights as an Athenian citizen, and could not be subjected

driven by my desire to an act of quite improbable folly: but the fact is that the boy would not even talk to him, but hated him more than anyone in the world, and was actually living with me.

So who of you can believe that I previously left the city on a voyage with the boy to avoid a fight with this man, and then, when I had got back, I took him to Simon's house, where I was to expect most embarrassment? And though I had designs on him, I came utterly unprepared, without calling to my aid either friends or servants or anybody at all, save only this child, who would have been unable to support me, but was capable of giving information under torture[a] upon any crime that I might commit! But such was the depth of my stupidity that, having my design against Simon, I did not look out for him where he might be caught alone, whether by night or by day, but went to the place where I should find most people to see me and cut me to pieces, as though I were contriving my premeditation against myself, with a view to getting the utmost amount of outrage from my enemies!

And besides, gentlemen, from the very fight that took place you can easily perceive that he lies. When the boy saw what was on hand, he flung off his cloak and ran away: these men pursued him, while I took myself off by another street. Now which party should be held responsible for such affairs, those who flee, or those who seek to capture? In my opinion it is obvious to all that those flee who are in fear for themselves, and those pursue who mean to do some

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to torture. Perhaps he or his father was a Plataean slave, like Pancleon (see Speech XXIII.), or had not yet established his claim to the citizenship. *Cf.* Aristoph. *Frogs*, 694.

37 κακόν. οὐ τοίνυν ταῦτα εἰκότα ‹μέν›[1], ἄλλως
δὲ περὶ αὐτῶν πέπρακται, ἀλλὰ καταλαβόντες τὸ
μειράκιον ἐκ τῆς ὁδοῦ ἦγον βίᾳ, ἐντυχὼν δ' ἐγὼ
τούτων μὲν οὐχ ἡπτόμην, τοῦ μειρακίου δ' ἐπελαμβανόμην·
οὗτοι δὲ ἐκεῖνόν τε ἦγον βίᾳ καὶ ἐμὲ
ἔτυπτον. καὶ ταῦθ' ὑμῖν ὑπὸ τῶν παραγενομένων
μεμαρτύρηται. ὥστε δεινὸν εἰ περὶ τούτων ἐγὼ
δόξω προνοηθῆναι, περὶ ὧν οὗτοι τυγχάνουσιν
38 οὕτω δεινὰ καὶ παράνομα πεποιηκότες. τί δ' ἂν
ποτε ἔπαθον, εἰ τἀναντία τῶν νῦν γεγενημένων
ἦν, εἰ πολλοὺς ἔχων τῶν ἐπιτηδείων ἐγώ, ἀπαντήσας
Σίμωνι, ἐμαχόμην αὐτῷ καὶ ἔτυπτον
αὐτὸν καὶ ἐδίωκον καὶ καταλαβὼν ἄγειν βίᾳ
ἐζήτουν, ὅπου νῦν τούτου ταῦτα πεποιηκότος
ἐγὼ εἰς τοιοῦτον ἀγῶνα καθέστηκα, ἐν ᾧ καὶ περὶ
τῆς πατρίδος καὶ τῆς οὐσίας τῆς ἐμαυτοῦ ἁπάσης
39 κινδυνεύω; τὸ δὲ μέγιστον καὶ περιφανέστατον
πάντων· ὁ γὰρ ἀδικηθεὶς καὶ ἐπιβουλευθεὶς ὑπ'
ἐμοῦ, ὥς φησιν, οὐκ ἐτόλμησε τεττάρων ἐτῶν
ἐπισκήψασθαι εἰς ὑμᾶς. καὶ οἱ μὲν ἄλλοι, ὅταν
ἐρῶσι καὶ ἀποστερῶνται ὧν ἐπιθυμοῦσι καὶ
συγκοπῶσιν, ὀργιζόμενοι παραχρῆμα τιμωρεῖσθαι
ζητοῦσιν, οὗτος δὲ χρόνοις ὕστερον.

40 Ὅτι μὲν οὖν, ὦ βουλή, οὐδενὸς αἴτιός εἰμι τῶν
γεγενημένων, ἱκανῶς ἀποδεδεῖχθαι νομίζω· οὕτω
δὲ διάκειμαι πρὸς τὰς ἐκ τῶν τοιούτων πραγμάτων
διαφοράς, ὥστε ἄλλα πολλὰ ὑβρισμένος ὑπὸ
Σίμωνος καὶ καταγεὶς τὴν κεφαλὴν ὑπ' αὐτοῦ οὐκ
ἐτόλμησα αὐτῷ ἐπισκήψασθαι, ἡγούμενος δεινὸν
[100] εἶναι, εἰ ἄρα περὶ παίδων ἐφιλονικήσαμεν ἡμεῖς

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[1] *μέν* add. Sauppe.

hurt. And this is not a case of a probable thing having turned out otherwise in fact: no, they caught the boy and were dragging him by force out of his way, when I met them, and without touching these men I took hold of the boy; whereas they not only dragged him by force, but also beat me. All this has been testified to you by those who were present. So it will be extraordinary if I am held to have premeditated any of those things wherein these men are found to have so monstrously transgressed the laws.

How, pray, should I have been treated, if the case were the opposite of what has now occurred: if I, with a number of my associates, had gone to meet Simon, and fought with him, beaten him, pursued and caught him, and then tried to drag him by force, if, as it is, and when it is he who has done all these things, I have been subjected to proceedings like the present, in which I risk the loss of both my native land and all the property that I possess? But here is the strongest and most striking proof of all: the man who was wronged and victimized by me—as he says—did not dare for four years to denounce me before you. Everyone else, when in love, and deprived of the object of desire, and battered with blows, immediately in his anger seeks redress; but this man seeks it long afterwards.

So, gentlemen, that I am not to blame for any of these occurrences has, I conceive, been sufficiently proved. And observe the spirit in which I treat quarrels arising from this sort of affair: although I had suffered a variety of outrages at Simon's hands, and had even had my head broken by him, I could not bring myself to denounce him, as I felt it extravagant, just because of a mutual rivalry over a child, to

πρὸς ἀλλήλους, τούτου ἕνεκα ἐξελάσαι τινὰς
41 ζητῆσαι ἐκ τῆς πατρίδος. ἔπειτα δὲ καὶ οὐδεμίαν
ἡγούμην πρόνοιαν εἶναι τραύματος ὅστις μὴ ἀποκτεῖναι
βουλόμενος ἔτρωσε. τίς γὰρ οὕτως ἐστὶν
42 εὐήθης, ὅστις ἐκ πολλοῦ προνοεῖται ὅπως ἕλκος
τις αὐτοῦ τῶν ἐχθρῶν λήψεται; ἀλλὰ δῆλον ὅτι
καὶ οἱ τοὺς νόμους ἐνθάδε θέντες, οὐκ εἴ τινες
μαχεσάμενοι ἔτυχον ἀλλήλων κατάξαντες τὰς κεφαλάς,
ἐπὶ τούτοις ἠξίωσαν τῆς πατρίδος φυγὴν
ποιήσασθαι· ἢ πολλούς γ' ἂν ἐξήλασαν· ἀλλ' ὅσοι
ἐπιβουλεύσαντες ἀποκτεῖναί τινας ἔτρωσαν, ἀποκτεῖναι
δὲ οὐκ ἐδυνήθησαν, περὶ τῶν τοιούτων
τὰς τιμωρίας οὕτω μεγάλας κατεστήσαντο, ἡγούμενοι,
ὑπὲρ ὧν ἐβούλευσαν καὶ προὐνοήθησαν,
ὑπὲρ τούτων προσήκειν αὐτοῖς δίκην δοῦναι· εἰ δὲ
μὴ κατέσχον, οὐδὲν ἧττον τό γ' ἐκείνων πεποιῆσθαι.
43 καὶ ταῦτα ἤδη καὶ πρότερον πολλάκις ὑμεῖς οὕτω
διέγνωτε περὶ τῆς προνοίας. καὶ γὰρ δεινὸν ἂν
εἴη, εἰ ὅσοι ἐκ μέθης καὶ φιλονικίας ἢ ἐκ παιδιῶν
ἢ ἐκ λοιδορίας ἢ περὶ ἑταίρας μαχόμενοι ἕλκος
ἔλαβον, εἰ ὑπὲρ τούτων ὧν, ἐπειδὰν βέλτιον φρονήσωσιν,
ἅπασι μεταμέλει, οὕτως καὶ ὑμεῖς μεγάλας
καὶ δεινὰς τὰς τιμωρίας ποιήσεσθε, ὥστε ἐξελαύνειν
τινὰς τῶν πολιτῶν ἐκ τῆς πατρίδος.

44 Θαυμάζω δὲ μάλιστα τούτου τῆς διανοίας. οὐ
γὰρ τοῦ αὐτοῦ μοι δοκεῖ εἶναι ἐρᾶν τε καὶ συκοφαντεῖν,
ἀλλὰ τὸ μὲν τῶν εὐηθεστέρων, τὸ δὲ τῶν
πανουργοτάτων. ἐβουλόμην δ' ἂν ἐξεῖναί μοι παρ'
ὑμῖν καὶ ἐκ τῶν ἄλλων ἐπιδεῖξαι τὴν τούτου
πονηρίαν, ἵνα ἠπίστασθε[1] ὅτι πολὺ ἂν δικαιότερον

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[1] ἠπίστασθε Bernhardy: ἐπίστησθε mss.

press for a man's expulsion from his native land. Besides, I did not see that there was any premeditation of wounding in the case of a man who gave a wound without meaning to kill. For who is so simple as to premeditate a long time ahead how some enemy of his shall come by a wound? Why, it is clear that even the makers of our laws did not think well, when people happened in a fight to break each other's heads, to make it a case for banishment from their country; else they would have exiled a goodly number. But in the case of any persons who, designing to kill, wounded others without being able to kill them, they appointed the punishment in that degree of severity, judging it meet that where they had shown design and premeditation they should pay the penalty: though if they might not have succeeded, none the less their best efforts had been exerted.[a] And in this way you have decided, many a time in the past, on this point of premeditation. Extraordinary, indeed, it would be, if in all cases of wounds received through some drunken rivalry, or game, or abuse, or in a fight for a mistress,—affairs of which everyone repents on better consideration,—you are to inflict a punishment of such awful severity as that of expelling any of our citizens from their native land.

I wonder most of all at this man's temperament. For it does not seem to me that the same person can be both a lover and a slanderer, since the former implies the simpler sort of man, and the latter the most villainous. I could wish that I were allowed to expose this man's wickedness before you in all its other effects, so that you might understand how

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[a] *Cf.* Plato, *Laws*, ix. 876 E ff.

αὐτὸς περὶ θανάτου ἠγωνίζετο ἢ ἑτέρους ὑπὲρ τῆς
πατρίδος εἰς κίνδυνον καθίστη. τὰ μὲν οὖν ἄλλα
45 ἐάσω· ὃ δ᾽ ἡγοῦμαι ὑμῖν προσήκειν ἀκοῦσαι καὶ
τεκμήριον ἔσεσθαι τῆς τούτου θρασύτητος καὶ
τόλμης, περὶ τούτου μνησθήσομαι. ἐν Κορίνθῳ
γάρ, ἐπειδὴ ὕστερον ἦλθε τῆς πρὸς τοὺς πολεμίους
μάχης καὶ τῆς εἰς Κορώνειαν στρατείας, ἐμάχετο
τῷ ταξιάρχῳ Λάχητι καὶ ἔτυπτεν αὐτόν, καὶ πανστρατιᾷ
τῶν πολιτῶν ἐξελθόντων, δόξας ἀκοσμότατος[1]
εἶναι καὶ πονηρότατος, μόνος Ἀθηναίων
ὑπὸ τῶν στρατηγῶν ἐξεκηρύχθη.
46 Ἔχοιμι δ᾽ ἂν καὶ ἄλλα πολλὰ εἰπεῖν περὶ τούτου,
ἀλλ᾽ ἐπειδὴ παρ᾽ ὑμῖν οὐ νόμιμόν ἐστιν ἔξω τοῦ
πράγματος λέγειν, ἐκεῖνο ἐνθυμεῖσθε· οὗτοί εἰσιν
οἱ βίᾳ εἰς τὴν ἡμετέραν οἰκίαν εἰσιόντες, οὗτοι οἱ
διώκοντες, οὗτοι οἱ βίᾳ ἐκ τῆς ὁδοῦ συναρπάζοντες
47 ἡμᾶς. ὧν ὑμεῖς μεμνημένοι τὰ δίκαια ψηφίζεσθε,
καὶ μὴ περιίδητε ἐκ τῆς πατρίδος ἀδίκως ἐκπεσόντα,
ὑπὲρ ἧς ἐγὼ πολλοὺς κινδύνους κεκινδύνευκα
καὶ πολλὰς λῃτουργίας λελῃτούργηκα, καὶ κακοῦ
μὲν αὐτῇ οὐδενὸς αἴτιος γεγένημαι, οὐδὲ τῶν
48 ἐμῶν προγόνων οὐδείς, ἀγαθῶν δὲ πολλῶν· ὥστε
δικαίως ἂν ὑφ᾽ ὑμῶν καὶ ὑπὸ τῶν ἄλλων ἐλεηθείην,
οὐ μόνον εἴ τι πάθοιμι ὧν Σίμων βούλεται,
ἀλλὰ καὶ ὅτι ἠναγκάσθην ἐκ τοιούτων πραγμάτων
εἰς τοιούτους ἀγῶνας καταστῆναι.

[1] ἀκοσμότατος Emperius: κοσμιώτατος MSS.

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[a] At the battle of Coronea in 394 B.C. the Athenians and Thebans fought the Spartans commanded by Agesilaus.

in justice he ought far rather to be on trial for his life than bringing others into peril of losing their native land. I will, however, pass over all those things, and will mention but one which I consider you ought to hear, as being a sure proof of his brazen-faced audacity. In Corinth, where he arrived after our battle with the enemy and the expedition to Coronea,[a] he fought with the taxiarch[b] Laches and gave him a beating; and when the citizens had set forth in full military strength, he was specially noted for insubordination and knavery, and was the only Athenian ordered by the generals to be banned by herald.

I could go on to relate many other things regarding this man; but, since it is not lawful to speak in your court beyond the limits of the case, I ask you to reflect on this: it was these men who forced their way into our house, they who pursued us, and they who forcibly seized and dragged us out of our path. Remembering these things, give your vote for justice, and do not suffer me to be unjustly ejected from my native land, for which I have braved many dangers and performed many public services: no harm have I ever brought upon that land, nor has any of my ancestors; nay, many are the benefits that we have brought her. Justly, then, should I receive your pity, and that of all men else, not merely if I should meet with such a fate as Simon wishes, but even for having been compelled, as a result of such transactions, to stand my trial on such a charge.

[b] The officer commanding an infantry contingent from one of the ten tribes.

IV. ON A WOUND BY PREMEDITATION: CLIENT AND OPPONENT UNKNOWN

INTRODUCTION

The narrative part of this speech has been lost; what we have is only the argument or proof. It was written for a defendant who was brought before the court of the Areopagus on a charge of wounding a man, with intent to kill, in an affray for the possession of a slave-girl, whom the defendant alleged to be their joint property, while the accuser said that he was her sole owner. The penalty involved was banishment and confiscation of property.

The speaker states that he and the prosecutor had been reconciled after a quarrel on terms arranged by their friends. He had challenged the prosecutor to an exchange of property, as was commonly done by a citizen who was charged with a costly public service, and who thought that it should be undertaken by some other citizen of ampler means than himself: this act of his had been brought up against him by his accuser as evidence of personal enmity. But the exchange, though begun, was cancelled by agreement (1–2). Another sign of their friendly relations is that he nominated the prosecutor as one of the judges of the competitions at the Dionysia, and although his friend was not actually appointed, he showed by a note under his hand that he had agreed to vote for the defendant's tribe. Apparently there was a private understanding between the two men which the speaker is not ashamed to avow before that august tribunal (3–4). Yet, even supposing they were enemies, the manner in which the assault took place forbids any suspicion of premeditation. The prosecutor got a black eye, which he called a wound, and behaved as though he were seriously injured; while he would not allow the slave-girl, who was the subject and witness of the quarrel, to be put to the torture for evidence (5–10). This refusal on the accuser's part is dwelt on at length as a sure indication of the defendant's innocence: his opponent's excuse, that she is a free woman and not available for the question by torture, is false (12–17). The dreadful danger in which the defendant now finds himself is utterly out of proportion to the paltry nature of a dispute whose consequences have been grossly exaggerated (18–20).

This incomplete piece, though not very well arranged or argued, is direct and lively in style, and is probably a genuine work of Lysias, who took good care that a quite ordinary client should borrow quite ordinary plumes.

IV. ΠΕΡΙ ΤΡΑΥΜΑΤΟΣ ΕΚ ΠΡΟΝΟΙΑΣ, ΥΠΕΡ[1] ΟΥ ΚΑΙ ΠΡΟΣ ΟΝ ‹ΑΔΗΛΟΝ›[2]

1 Θαυμαστόν γε, ὦ βουλή, τὸ διαμάχεσθαι περὶ
τούτου, ὡς οὐκ ἐγένοντο ἡμῖν διαλλαγαί, καὶ τὸ
μὲν ζεῦγος καὶ τὰ ἀνδράποδα, καὶ ὅσα ἐξ ἀγροῦ
κατὰ τὴν ἀντίδοσιν ἔλαβε,[3] μὴ ἂν δύνασθαι ἀρνηθῆναι
ὡς οὐκ ἀπέδωκε, φανερῶς δὲ περὶ πάντων
διαλελυμένον ἀρνεῖσθαι τὰ περὶ τῆς ἀνθρώπου,
2 μὴ κοινῇ ἡμᾶς χρῆσθαι συγχωρῆσαι. καὶ τὴν μὲν
[101] ἀντίδοσιν δι' ἐκείνην φανερός ἐστι ποιησάμενος,
τὴν δ' αἰτίαν δι' ἣν ἀπέδωκεν ἃ[4] ἔλαβεν, οὐκ ἂν
ἄλλην ἔχοι εἰπεῖν (βουλόμενος τἀληθῆ λέγειν) ἢ
ὅτι οἱ φίλοι περὶ πάντων ἡμᾶς τούτων συνήλλαξαν.
3 ἐβουλόμην δ' ἂν μὴ ἀπολαχεῖν αὐτὸν κριτὴν
Διονυσίοις, ἵν' ὑμῖν φανερὸς ἐγένετο ἐμοὶ διηλλαγμένος,
κρίνας τὴν ἐμὴν φυλὴν νικᾶν· νῦν δὲ
ἔγραφε μὲν ταῦτα εἰς τὸ γραμματεῖον, ἀπέλαχε
4 δέ. καὶ ὅτι ἀληθῆ ταῦτα λέγω, Φιλῖνος καὶ Διοκλῆς
ἴσασιν· ἀλλ' οὐκ ἔστ' αὐτοῖς μαρτυρῆσαι μὴ
διομοσαμένοις περὶ τῆς αἰτίας ἧς ἐγὼ φεύγω,
ἐπεὶ σαφῶς ἔγνωτ' ἂν ὅτι ἡμεῖς ἦμεν αὐτὸν οἱ

[1] ΥΠΕΡ Blass: περὶ mss.
[2] ΑΔΗΛΟΝ add. Taylor.
[3] ἔλαβε Scaliger: ἔλαβον mss.
[4] ἃ Taylor: ἣ mss.

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[a] Apparently an exchange of property in the matter of a λειτουργία. See note on III. 20, p. 80 and IV., Introd. p. 94.

[b] The great dramatic festival, held about the end of March.

IV. ON A WOUND BY PREMEDITATION: CLIENT AND OPPONENT UNKNOWN

It is surprising, gentlemen of the Council, that the fact of our reconcilement is so keenly disputed, and that, while he cannot deny his having restored the yoke of oxen, the slaves, and all the goods on the estate that he received under the exchange,[a] he denies, in face of the settlement clearly made on every point, that we agreed to share the woman between us. It is plain that he made the exchange because of her; and the only reason he can give—if he wishes to speak the truth—for having restored what he received is that our friends reconciled us on all these matters. I could wish that he had not been omitted by lot from the judges at the Dionysia,[b] so that you might have seen clearly that he had been reconciled to me, from his decision that my tribe was the winner. In fact he recorded it thus on his tablet, but he was omitted by lot. My statement on this is true, as Philistus and Diocles know: but it is not possible for them to testify when they have not taken oath [c] upon the charge laid against me; you would then have perceived clearly that it was we who proposed him as judge, and that

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Ten judges of the contests seem to have been appointed beforehand, but only some of these were chosen by lot for the actual recording of votes.

[c] Witnesses must have taken a solemn oath at a preliminary stage before they could come before the Areopagus.

κριτὴν ἐμβαλόντες καὶ ἡμῶν ἕνεκα ἐκαθίζετο.
5 ἀλλ᾽ ἦν, εἰ βούλεται, ἐχθρός· δίδωμι γὰρ αὐτῷ
τοῦτο· οὐδὲν γὰρ διαφέρει. οὐκοῦν ἦλθον αὐτὸς
αὐτὸν ἀποκτενῶν, ὡς οὗτός φησι, καὶ βίᾳ εἰς τὴν
οἰκίαν εἰσῆλθον. διὰ τί οὖν οὐκ ἀπέκτεινα,
ὑποχείριον λαβὼν τὸ σῶμα, καὶ τοσοῦτον κρατήσας
ὥστε καὶ τὴν ἄνθρωπον λαβεῖν; φρασάτω
6 πρὸς ὑμᾶς. ἀλλ᾽ οὐκ ἔχει εἰπεῖν. καὶ μὴν οὐδείς
γε ὑμῶν ἀγνοεῖ ὅτι θᾶττον ἂν ἐγχειριδίῳ πληγεὶς
ἀπέθανεν ἢ πὺξ παιόμενος. φαίνεται τοίνυν οὐδ᾽
αὐτὸς αἰτιώμενος τοιοῦτόν τι ἔχοντας ἡμᾶς ἐλθεῖν,
ἀλλ᾽ ὀστράκῳ φησὶ πληγῆναι. καίτοι φανερὸν
7 ἤδη ἐξ ὧν εἴρηκεν, ὅτι οὐ πρόνοια γεγένηται. οὐ
γὰρ ἂν οὕτως ἤλθομεν, ἀδήλου ὄντος εἰ παρὰ
τούτῳ εὑρήσομεν ὄστρακον ἢ ὅτῳ[1] αὐτὸν ἀποκτενοῦμεν,
ἀλλ᾽ οἴκοθεν ἔχοντες ἂν ἐβαδίζομεν. νῦν
δὲ ὁμολογούμεθα πρὸς παῖδας καὶ αὐλητρίδας καὶ
μετ᾽ οἴνου ἐλθόντες. ὥστε πῶς ταῦτ᾽ ἐστὶ πρόνοια;
8 ἐγὼ μὲν γὰρ οἶμαι οὐδαμῶς. ἀλλ᾽ οὗτος ἐναντίως
τοῖς ἄλλοις δύσερώς ἐστι, καὶ ἀμφότερα
βούλεται, τό τε ἀργύριον μὴ ἀποδοῦναι καὶ τὴν
ἄνθρωπον ἔχειν. εἶτα ὑπὸ τῆς ἀνθρώπου παρωξυμμένος
ὀξύχειρ λίαν καὶ πάροινός ἐστιν, ἀνάγκη
δὲ ἀμύνασθαι. ἡ δὲ τοτὲ μὲν ἐμὲ περὶ πολλοῦ
τοτὲ δὲ τοῦτόν φησι ποιεῖσθαι, βουλομένη ὑπ᾽
9 ἀμφοτέρων ἐρᾶσθαι. καὶ ἐγὼ μὲν καὶ ἐξ ἀρχῆς
εὐκόλως εἶχον καὶ νῦν ἔτι ἔχω· ὁ δ᾽ εἰς τοῦτο
βαρυδαιμονίας ἥκει, ὥστε οὐκ αἰσχύνεται τραύματ᾽
ὀνομάζων τὰ ὑπώπια καὶ ἐν κλίνῃ περιφερόμε-

[1] ὅτῳ Markland: οὕτως MSS.

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[a] *i.e.*, the half of the woman's price contributed by the speaker.

it was on account of us that he went on the bench. But—if he will have it so—he was our enemy : I grant him that, for it makes no difference. So then I went myself to kill him, as he says, and forced my way into his house. Why, then, did I not kill him, having his person in my power, and having got the upper hand to the extent of taking the woman ? Let him explain it to you : but he cannot tell you. Furthermore, everyone of you is aware that he would have been killed more quickly by the stroke of a dagger than by the blow of a fist. Now, you find that not even he accuses us of having come with anything like that in our hands ; he only says he was struck by a potsherd. Why, it is evident already from what he has said that there has been no premeditation. For we should not have gone in that way, when it was uncertain whether we should find in his house a potsherd or something to serve for killing him, but should have brought it from home as we set out. In point of fact, we admit that we went to see boys and flute-girls and were in liquor : so how is that premeditation ? In no wise, to my thinking. But this man takes his love-sickness in an opposite fashion to the rest of us : he wants to have it both ways—to avoid paying up the money [a] and to have the woman as well. And then, with his passion inflamed by the woman, he is excessively hasty of hand and the worse for liquor, and one is forced to defend oneself. As to her, sometimes it is I, and sometimes he, for whom she professes affection, wishing to be loved by both. Now I have shown an easy temper from the beginning, as I still do to-day ; but he has got into such an irritable state that he is not ashamed to call a black eye a wound, and to be carried about in a litter and

νος καὶ δεινῶς προσποιούμενος διακεῖσθαι ἕνεκα
πόρνης ἀνθρώπου, ἣν ἔξεστιν αὐτῷ ἀναμφισβητήτως
10 ἔχειν ἐμοὶ ἀποδόντι τἀργύριον. καὶ φησὶ μὲν
δεινῶς ἐπιβουλευθῆναι καὶ πρὸς ἅπανθ’ ἡμῖν
ἀμφισβητεῖ, ἐξὸν δ’ ἐκ τῆς ἀνθρώπου βασανισθείσης
τὸν ἔλεγχον ποιήσασθαι οὐκ ἠθέλησεν·
ἣ πρῶτον μὲν τοῦτ’ ἂν κατεῖπεν, πότερα κοινὴ
ἡμῖν ἦν ἢ ἰδία τούτου, καὶ πότερα τὸ ἥμισυ τοῦ
ἀργυρίου ἐγὼ συνεβαλόμην ἢ οὗτος ἅπαν ἔδωκε,
11 καὶ εἰ διηλλαγμένοι ἢ ἔτι ἐχθροὶ ἦμεν, ἔτι δὲ εἰ
μεταπεμφθέντες ἤλθομεν ἢ οὐδενὸς καλέσαντος, καὶ
εἰ οὗτος ἦρχε χειρῶν ἀδίκων ἢ ἐγὼ πρότερος
τοῦτον ἐπάταξα. τούτων καθ’ ἓν ἕκαστον καὶ
τῶν ἄλλων οὐδὲν ἦν ὅ τι οὐ ῥᾴδιον τοῖς τε ἄλλοις
ἐμφανὲς καὶ τούτοις ποιῆσαι.

12 Ὅτι μὲν οὖν οὔτε πρόνοια ἐγένετο οὔτε ἀδικῶ
τοῦτον, ὦ βουλή, ἐκ τοσούτων τεκμηρίων καὶ μαρτυριῶν
ὑμῖν ἐπιδέδεικται· ἀξιῶ δ’ ὅσον ἂν ἐγένετο
σημεῖον τούτῳ πρὸς τὸ δοκεῖν ἀληθῆ λέγειν φυγόντος
ἐμοῦ τὴν βάσανον, τοσοῦτον ἐμοὶ τεκμήριον γενέσθαι
ὅτι οὐ ψεύδομαι, διότι οὗτος οὐκ ἠθέλησεν
ἐκ τῆς ἀνθρώπου ποιήσασθαι τὸν ἔλεγχον, καὶ μὴ
τοσοῦτον ἰσχῦσαι τοὺς τούτου λόγους, ὅτι φησὶν
αὐτὴν ἐλευθέραν εἶναι. ὁμοίως γὰρ προσήκει κἀμοὶ
13 τῆς ἐλευθερίας, τὸ ἴσον καταθέντι ἀργύριον. ἀλλὰ
ψεύδεται καὶ οὐκ ἀληθῆ λέγει. ἢ δεινόν γε, εἰ εἰς
μὲν λύσιν τοῦ σώματος [ἔδωκα τὸ ἀργύριον][1] ἐκ

[1] *ἔδωκα τὸ ἀργύριον* del. Hamaker.

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[a] It was common in Athenian law-suits to demand or offer that slaves be tortured for the extraction of evidence. See below.

pretend to be in a dreadful condition, for the sake of a harlot wench whom he is free to have uncontested on restoring the money to me. And he says that he has been plotted against in a monstrous way, and contests every point with us ; yet although it was open to him to procure his proof by having the woman tortured,[a] he refused. She would first have informed you whether she was shared by us or belonged only to him, whether I contributed half the money or he gave it all, and whether we had been reconciled or were still enemies ; also whether we went on receipt of a summons, or without invitation from anyone, and whether this man struck the first blow by assault, or I first hit him. Each of these points in turn, as of the rest, could have been cleared up with ease in every case both for the public and for this court.

Thus there has been neither premeditation nor wrongdoing on my part, gentlemen : this has been made clear to you by an abundance of evidences and testimonies. And I think it fair that, inasmuch as this man could have found an indication in favour of his speaking the truth in my evasion of the test of torture, I should equally find a proof that I am not lying in the fact that he refused to settle the question by means of the woman ; and I claim that the less weight should be given to his words, when he says that she is free. For I am alike concerned in her freedom, since I have put down an equal sum of money.[b] But he lies, and does not speak the truth. What a monstrous position it would be ! To ransom my person from the enemy, I could make what use

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[b] *i.e.*, if I let her keep the sum paid by me, she can obtain her freedom ; if not, she will continue to be a slave.

τῶν πολεμίων ἐξῆν ἄν μοι χρῆσθαι αὐτῇ ὅ τι
ἐβουλόμην, κινδυνεύοντι δέ μοι περὶ τῆς πατρίδος
οὐδὲ πυθέσθαι παρ’ αὐτῆς τἀληθῆ ἐκγενήσεται
περὶ ὧν εἰς τὴν κρίσιν καθέστηκα· καὶ μὲν δὴ
πολὺ ἂν δικαιότερον ἐπὶ ταύτῃ τῇ αἰτίᾳ βασανισθείη
ἢ ἐπὶ τῇ ἐκ τῶν πολεμίων λύσει πραθείη, ὅσῳ
παρὰ μὲν ἐκείνων βουλομένων ἀπολῦσαι ἔστι καὶ
[102] ἄλλοθεν εὐπορήσαντι κομισθῆναι, ἐπὶ δὲ τοῖς ἐχθροῖς
γενόμενον οὐ δυνατόν· οὐ γὰρ ἀργύριον
λαβεῖν προθυμοῦνται, ἀλλ’ ἐκ τῆς πατρίδος ἐκβαλεῖν
14 ἔργον[1] ποιοῦνται. ὥσθ’ ὑμῖν προσήκει μὴ
ἀποδέχεσθαι αὐτοῦ διὰ τοῦτο οὐκ ἀξιοῦντος βασανισθῆναι
τὴν ἄνθρωπον, ὅτι αὐτὴν ἐλευθέραν
ἐσκήπτετο εἶναι, ἀλλὰ πολὺ μᾶλλον συκοφαντίαν
καταγιγνώσκειν, ὅτι παραλιπὼν ἔλεγχον οὕτως
15 ἀκριβῆ ἐξαπατήσειν ὑμᾶς ῥᾳδίως ᾠήθη. οὐ γὰρ
δήπου τήν γε τούτου πρόκλησιν πιστοτέραν ὑμᾶς
νομίζειν δεῖ τῆς ἡμετέρας, ἐφ’ οἷς τοὺς αὐτοῦ οἰκέτας
ἠξίου βασανίζεσθαι. ἃ μὲν γὰρ ἐκεῖνοι ᾔδεσαν,
ἐλθόντας ἡμᾶς ὡς τοῦτον, καὶ ἡμεῖς ὁμολογοῦμεν.
εἰ δὲ μεταπεμφθέντες ἢ μή, καὶ πότερον πρότερος
16 ἐπλήγην ἢ ἐπάταξα, ἐκείνη μᾶλλον ἂν ᾔδει. ἔτι δὲ
τοὺς μὲν τούτου οἰκέτας ἰδίους ὄντας τούτου εἰ
ἐβασανίζομεν, ἀνοήτως ἄν τι τούτῳ χαριζόμενοι
καὶ παρὰ τὴν ἀλήθειαν ἐμοῦ κατεψεύσαντο· αὕτη
δὲ ὑπῆρχε κοινή, ὁμοίως ἀμφοτέρων ἀργύριον
κατατεθηκότων, καὶ μάλιστα ᾔδει· διὰ ταύτην
ἅπαντα τὰ πραχθέντα ἡμῖν γεγένηται· καὶ οὐ
17 λήσει οὐδέν’ ὅτι ταύτης[2] ἔγωγ’ ἄνισον εἶχον βασα-

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[1] ἔργον Scheibe: αὐτὸν MSS.

[2] ὅτι ταύτης Herwerden: ἐν ταύτῃ MSS.

of her I pleased [a]; but when I am in danger of losing my native land, I am not to be permitted even to ask her for a true statement on the matters for which I have been brought to this trial. Nay, it would be far more just to have her tortured for the purpose of this charge than to have her sold for my ransom from the enemy, inasmuch as, if they are willing to take a ransom, one can get plenty of means elsewhere for obtaining one's return; but if one is in the power of one's adversaries, it is impossible. For they are not set on gaining money, but make it their business to expel one from one's native land. It is your duty, therefore, to reject his claim that the woman should not be tortured, which he made on the pretended ground of her freedom; you ought much rather to condemn him for slander, on the ground that he put aside so decisive a test in the expectation that he would easily deceive you. For surely you should not regard his challenge as more convincing than ours, in regard to the points on which he claimed to have his own servants put to the torture. For as to their knowledge of our having gone to his house, we likewise admit that; but whether we were sent for or not, and whether I received the first blow or gave it, are things that she would be better able to know. And then, had we put his servants, who were wholly his property, to the torture, they would have been led by a foolish complaisance to him into denying the truth and falsely accusing me. But this woman was our common possession, both alike having put down money, as she knew very well: it is on her account that all this business has come upon us. And it will be observed by all that in having her put to the torture I must be

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[a] *i.e.*, I could raise money by selling her. See below.

νισθείσης, ἀλλ' ἀπεκινδύνευον τοῦτο· πολὺ γὰρ περὶ πλείονος τοῦτον ἢ ἐμὲ φαίνεται ποιησαμένη, καὶ μετὰ μὲν τούτου ἐμὲ ἠδικηκυῖα, μετ' ἐμοῦ δ' οὐδεπώποτε εἰς τοῦτον ἐξαμαρτοῦσα. ἀλλ' ὅμως ἐγὼ μὲν εἰς ταύτην κατέφυγον, οὗτος δὲ οὐκ ἐπίστευσεν αὐτῇ.

18 Οὔκουν δεῖ ὑμᾶς, ὦ βουλή, τηλικούτου ὄντος
τοῦ κινδύνου, ῥᾳδίως ἀποδέχεσθαι τοὺς τούτου
λόγους, ἀλλ' ἐνθυμουμένους ὅτι περὶ τῆς πατρίδος
μοι καὶ τοῦ βίου ὁ ἀγών ἐστιν, ἐν[1] ὑπολόγῳ ταύτας
τὰς προκλήσεις ποιεῖσθαι. καὶ μὴ ζητεῖτε τούτων
ἔτι μείζους πίστεις· οὐ γὰρ ἂν ἔχοιμι εἰπεῖν ἀλλ'
ἢ ταύτας, ὡς οὐδὲν εἰς τοῦτον προὐνοήθην.[2]
19 ἀγανακτῶ δ', ὦ βουλή, εἰ διὰ πόρνην καὶ δούλην
ἄνθρωπον περὶ τῶν μεγίστων εἰς κίνδυνον καθέστηκα,
τί κακὸν πώποτε τὴν πόλιν ἢ αὐτὸν τοῦτον
εἰργασμένος, ἢ εἰς τίνα τῶν πολιτῶν ὁτιοῦν
ἐξαμαρτών; οὐδὲν γὰρ ἔμοιγέ ἐστι τοιοῦτον
πεπραγμένον, ἀλλ' ἀλογώτατον[3] πάντων κινδυνεύω
πολὺ μείζω συμφορὰν ἐμαυτῷ διὰ τούτους
20 ἐπαγαγέσθαι. πρὸς οὖν παίδων καὶ γυναικῶν καὶ
θεῶν τῶν τόδε τὸ χωρίον ἐχόντων ἱκετεύω ὑμᾶς
καὶ ἀντιβολῶ, ἐλεήσατέ με, καὶ μὴ περιίδητε ἐπὶ
τούτῳ γενόμενον, μηδὲ ἀνηκέστῳ συμφορᾷ περιβάλητε·
οὐ γὰρ ἄξιος οὔτ' ἐγὼ φεύγειν τὴν ἐμαυτοῦ,
οὔτε οὗτος τοσαύτην δίκην παρ' ἐμοῦ λαβεῖν ὑπὲρ
ὧν φησιν ἠδικῆσθαι, οὐκ ἠδικημένος.

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[1] ἐν Markland: μὲν MSS.

[2] προὐνοήθην Contius: προνοηθῆναι MSS.

[3] ἀλλ' ἀλογώτατον Sluiter: ἀλλὰ λόγῳ τὸ τῶν MSS.

at a disadvantage, and yet I ran this grave risk; for clearly she was much more attached to him than to me, and has joined him in wronging me, but has never joined me in offending against him. Nevertheless, while I sought her as my refuge, he put no confidence in her.

You should therefore decline, gentlemen, when my danger is so great, to accept offhand the statements of this man: you should rather reflect that I have my native land and my livelihood at stake, and so should take these challenges into your reckoning. Do not look for still stronger pledges than these: I could not instance others to show that I did not premeditate anything against this man. I am vexed, gentlemen, at finding myself in danger of losing what I value most on account of a harlot and a slave: for what harm have I ever done to the city, or to this man himself, or against what citizen have I committed any sort of offence? Nothing of the kind have I ever done, yet with the least show of reason in the world I am in danger of bringing upon myself a much more serious disaster on account of these men. So I pray and beseech you, by your children, your wives, and the gods who keep this place, have pity on me, and do not suffer me to fall into the hands of this man, nor involve me in an irremediable calamity. For it is equally unfair that I should be banished from my own country, and that he should exact so heavy a penalty from me for wrongs which, though he says that he has received them, he has never received.

V. FOR CALLIAS: DEFENCE ON A CHARGE OF SACRILEGE

INTRODUCTION

This short speech, of which the conclusion has been lost, was composed for a friend who desired to support the accused, Callias, a resident alien of advanced years and good standing : the slaves of Callias, in the hope of being rewarded with liberty, had denounced him for sacrilege, the penalty for which was death. The case was heard before the ordinary court of Athenian citizens sitting as paid judges (δικασταί or ἡλιασταί). After the restoration of the democracy in 403 B.C., accusations of various forms of impiety, which had been fairly common in the previous time, became very frequent. We find again in the speech *On the Olive-stump* (vii. 16) the danger arising from the public encouragement of slaves to earn their freedom by laying information of impious acts against their masters. We have no means of ascertaining either the particular act that was the subject of this case or the date of the trial.

The speaker explains that the gravity of his friend's danger has induced him to add his own good opinion and offices to those of others who have pleaded in

FOR CALLIAS

Callias' defence (1-2). The evidence of slaves should count for nothing as against an unblemished reputation: if it is accepted, we shall have servants constantly renouncing their proper duty in order to calumniate their masters (3-5).

V. ΥΠΕΡ ΚΑΛΛΙΟΥ ΙΕΡΟΣΥΛΙΑΣ ΑΠΟΛΟΓΙΑ

1 Εἰ μὲν περὶ ἄλλου τινὸς ἢ τοῦ σώματος, ὦ ἄνδρες
δικασταί, Καλλίας ἠγωνίζετο, ἐξήρκει ἄν μοι καὶ
τὰ παρὰ τῶν ἄλλων εἰρημένα· νῦν δέ μοι δοκεῖ
αἰσχρὸν εἶναι, κελεύοντος καὶ δεομένου, καὶ φίλου
ὄντος καὶ ἐμοὶ καὶ ἕως ἔζη τῷ πατρί, καὶ πολλῶν
συμβολαίων ἡμῖν πρὸς ἀλλήλους γεγενημένων, μὴ
βοηθῆσαι Καλλίᾳ τὰ δίκαια, ὅπως ἂν δύνωμαι.
2 ἐνόμιζον μὲν οὖν οὕτως μετοικεῖν αὐτὸν ἐν ταύτῃ
τῇ πόλει, ὥστε πολὺ πρότερον ἀγαθοῦ τινος
τεύξεσθαι παρ' ὑμῶν ἢ ἐπὶ τοιαύταις αἰτίαις εἰς
τοσοῦτον κίνδυνον καταστήσεσθαι· νῦν δὲ οἱ ἐπιβουλεύοντες
οὐχ ἧττον ἐπικίνδυνον ποιοῦσι τὸν
βίον τοῖς μηδὲν ἀδικοῦσιν ἢ τοῖς πολλῶν κακῶν
3 αἰτίοις οὖσιν. ὑμᾶς δὲ ἄξιον μὴ τοὺς μὲν τῶν
[103] θεραπόντων λόγους πιστοὺς νομίζειν, τοὺς δὲ
τούτων ἀπίστους, ἐνθυμουμένους ὅτι Καλλίᾳ μὲν
οὐδεὶς πώποτε οὔτ' ἰδιώτης ἐνεκάλεσεν οὔτε
ἄρχων, οἰκῶν δ' ἐν ταύτῃ τῇ πόλει πολλὰ μὲν
ἀγαθὰ ὑμᾶς ἐποίησεν, οὐδεμίαν δὲ σχὼν αἰτίαν
εἰς τοῦτο τῆς ἡλικίας ἀφῖκται, οὗτοι δὲ ἐν ἅπαντι
τῷ βίῳ μεγάλα ἡμαρτηκότες καὶ πολλῶν κακῶν

V. FOR CALLIAS: DEFENCE ON A CHARGE OF SACRILEGE

If Callias had anything else than his life at stake in this trial, gentlemen of the jury, I should be content with what you have heard from the other speakers; but, as it is, and when he urges and requests me, and he is not only a friend of mine but was one of my father's so long as he lived, and we have had many arrangements between us, I feel it would be disgraceful not to support Callias so far as justice requires and my ability permits. I did expect, indeed, that the character that he showed as an alien residing in this city would far more readily gain for him some benefit at your hands than allow him to face so grave a danger because of such accusations as you have heard. But I find that these designing persons make life no less dangerous for those who have done no wrong than for those who are guilty of many misdeeds. You, however, ought not to credit the statements of mere servants and discredit those of the accused; for you should reflect that no one, either private citizen or magistrate, has ever indicted Callias before, and that while dwelling in this city he has bestowed many benefits upon you, and has arrived at his time of life with a blameless reputation; whereas these men, having spent their lives in committing serious offences and incurring a variety of troubles, make their

πεπειραμένοι, ὥσπερ ἀγαθοῦ τινος αἴτιοι γεγενημένοι
περὶ ἐλευθερίας νυνὶ ποιοῦνται τοὺς λόγους.
4 καὶ οὐ θαυμάζω· ἴσασι γὰρ ὅτι, ἐὰν <μὲν>[1] ψευδόμενοι
ἐλεγχθῶσιν, οὐδὲν μεῖζον τῶν ὑπαρχόντων
πείσονται, ἐὰν δὲ ὑμᾶς ἐξαπατήσωσι, τῶν παρόντων
κακῶν ἔσονται[2] ἀπηλλαγμένοι. καίτοι τοὺς τοιούτους
οὔτε κατηγόρους οὔτε μάρτυρας πιστοὺς χρὴ
νομίζειν εἶναι, οἵτινες αὐτοὶ μεγάλα κερδαίνοντες
περὶ ἑτέρων ποιοῦνται τοὺς λόγους, ἀλλὰ πολὺ
μᾶλλον ὅσοι τῷ δημοσίῳ βοηθοῦντες εἰς κινδύνους
5 σφᾶς αὐτοὺς καθιστᾶσιν. ἄξιον δέ μοι δοκεῖ εἶναι
οὐ τούτων ἴδιον ἡγεῖσθαι τὸν ἀγῶνα, ἀλλὰ κοινὸν
ἁπάντων τῶν ἐν τῇ πόλει· οὐ γὰρ τούτοις μόνοις
εἰσὶ θεράποντες, ἀλλὰ καὶ τοῖς ἄλλοις ἅπασιν, οἳ
πρὸς τὴν τούτων τύχην ἀποβλέποντες οὐκέτι
σκέψονται ὅ τι <ἂν>[3] ἀγαθὸν εἰργασμένοι τοὺς
δεσπότας ἐλεύθεροι γένοιντο, ἀλλ' ὅ τι ψεῦδος περὶ
αὐτῶν μηνύσαντες . . .

[1] μὲν add. F. Müller.
[2] ἔσονται Aldus: ἐῶνται MSS.
[3] ἂν add. Scheibe.

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[a] A slave whose accusation was accepted as true was rewarded with freedom. *Cf.* VII. 16.

speeches to-day with an air of having performed a great service, merely in the hope of freedom.[a] And I am not surprised; for they know that, if they are convicted of lying, they will suffer nothing worse than their actual lot; while if they succeed in deceiving you they will be rid of their present troubles. Yet surely such men as these, whether accusers or witnesses, should win no credit, when they have a great profit to make for themselves by their statements concerning others; much rather should it be given to those who, to uphold the public weal,[b] involve themselves in danger. The trial, in my opinion, ought to be regarded, not as the personal affair of the accused, but as the common concern of everybody in the city; for these[c] are not the only people who own servants; they are owned by everyone else, and looking at the fate of the accused will no longer ask themselves by what great service to their masters they might gain their freedom, but by what lying information about them. . . .

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[b] Perhaps Callias was employed by the stewards of the sacred treasure of the Parthenon, and was accused of embezzling some of it.

[c] Others besides Callias appear to have been involved in the accusation.

VI. AGAINST ANDOCIDES: FOR IMPIETY

INTRODUCTION

This piece, which takes the form of a speech in accusation of Andocides at his trial in 399 B.C., is probably a pamphlet composed by one of his many persecutors after hearing or reading his defence, which has come down to us under the name *On the Mysteries*. This writer against Andocides has certain weaknesses and faults which are familiar enough to readers of the ancient rhetoricians: his topics are ill-arranged, his allusions to important facts are vague and hasty, and he avails himself of elaborate language to conceal the uncertainty of his grip on his subject. It is now generally agreed, on these grounds alone, that the writer cannot have been Lysias; and when we consider the curious insistence on the religious guilt of Andocides, and the misfortunes and sufferings which he has endured for the last sixteen years and which, like even his survival of them all, show the curse of Heaven upon him, and observe the abrupt and tactless manner in which it is admitted that there may be something in Andocides' charges against his actual accuser, Cephisius, we are led to the conclusion, which is supported also by the author's claim to be the great-grandson of a priest of the Mysteries (54), that we have here a declamation composed by a zealous devotee whose prejudices had been only deepened and inflamed by the able defence put forward by Andocides.

In the early summer of 415 B.C., when the Athenians were already excited by the last preparations of the great armament intended for the conquest of Sicily, they were thrown into a state of panic by finding that in one night nearly all the stone images of Hermes at their house-doors had been mutilated. The religious terror was increased by a persistent rumour that the most sacred rites of the Greeks, the Mysteries of Eleusis, had been travestied in a number of private houses. At the inquiry which followed, Andocides, one of the many persons who had been arrested on the first informations, informed against the small group of his associates under a guarantee of impunity for himself, which had been offered by a decree of the Assembly. His information appears to have included a confession of his own complicity in the outrage on the Hermae; but he denied having had anything to do with the profanation of the Mysteries. However, a new decree was passed, on the proposal of Isotimides, that persons who had confessed to an act of impiety should be excluded from the market-place and the temples. Andocides came under the terms of this law, and he left Athens, and was virtually in exile for thirteen years. During this period he carried on a trade in timber and other supplies, first in Macedonia, then in Cyprus, and again in Samos. In 411 B.C., while the oligarchs were in power at Athens, he returned there, only to be imprisoned for aiding the democrats at Samos. He got away when the oligarchs fell from power, and returned to Cyprus, where he got into some trouble with Evagoras, King of Salamis. In 410 he was again in Athens, trying to re-establish himself by recalling his services to the people at Samos (see his speech *On his Return*) ; but he failed, and went wandering again, in Sicily, Italy, the Peloponnese, Thessaly, the Hellespont, Ionia and Cyprus. He seems in this time to have made a considerable fortune. In 402, after the amnesty had been arranged between the Athenians and the Spartans, he returned to Athens ; he enjoyed the citizenship for three years, and performed several responsible and costly services, besides speaking in the Council and the law-courts. But in 399 his enemies brought him to trial for impiety, on the ground that despite the decree of Isotimides he had taken part in the Greater Mysteries at Eleusis. His defence succeeded in obtaining his acquittal.

The present piece lacks the clarity, strictness and tact of any real forensic pleading. With a manner of bitter antagonism the writer relates, first, a story of awful retribution for impiety : about half of the story has been lost, but it instanced the case of a man who cheated the Eleusinian goddesses of an offering, and was punished by starvation amid plenty of food. We must therefore be careful to punish the impious (1-3). If acquitted, Andocides may be in a position to officiate at the Mysteries : this would cause a scandal in Greece, where his uneasy wanderings are well known (4-8). Remember Pericles' advice, that though written laws may be rescinded, the unwritten laws which guide the priesthood remain to condemn the impious. Andocides has had the impudence to pose as an upholder of the sanctity of the Hermae (9-12). He has confessed his guilt, and it was an outrage on the religion of his own country; he had so little fear of Heaven that he took to a seafaring life, but Heaven was guiding him to a just condemnation (13-20). Consider the miserable life that the man has led, abroad and at home: clearly gods and men alike have joined in persecuting such a miscreant (21-32). He is now attempting to enter public life, and will have many pleas to urge for the people's indulgence, but they are all irrelevant, and he has done you no real service at any time: he was only concerned to save his own skin (33-49). Refresh your memory of that past profanation of the Mysteries and the curse pronounced over Andocides. To cleanse the city and appease the gods we must be unmoved in our determination to condemn the vile outcast (50-55).

VI. ΚΑΤ' ΑΝΔΟΚΙΔΟΥ ΑΣΕΒΕΙΑΣ

1 . . . ἔδησε τὸν ἵππον ἐκ τοῦ ῥόπτρου τοῦ ἱεροῦ
ὡς ἀποδιδούς, τῇ δ' ἐπιούσῃ νυκτὶ ὑφείλετο. οὗτος
οὖν ὁ ταῦτα ποιήσας θανάτῳ τῷ ἀλγίστῳ ἀπώλετο,
λιμῷ· πολλῶν γὰρ καὶ ἀγαθῶν αὐτῷ ἐπὶ τὴν
τράπεζαν παρατιθεμένων ὄζειν ἐδόκει τοῦ ἄρτου
καὶ τῆς μάζης κάκιστον, καὶ οὐκ ἐδύνατο ἐσθίειν.
2 καὶ ταῦτα πολλοὶ ἡμῶν ἤκουον τοῦ ἱεροφάντου
3 λέγοντος.[1] δίκαιον οὖν μοι δοκεῖ εἶναι νῦν ἐπὶ
τούτῳ τὰ τότε λεχθέντα ἀναμνῆσαι, καὶ μὴ μόνον
τοὺς τούτου φίλους ὑπὸ τούτου καὶ τῶν τούτου
λόγων ἀπόλλυσθαι, ἀλλὰ καὶ αὐτὸν τοῦτον ὑφ'
ἑτέρου.

Ἀδύνατον δὲ καὶ ὑμῖν ἐστι, περὶ τοιούτου πράγματος
φέρουσι τὴν ψῆφον, ἢ κατελεῆσαι ἢ καταχαρίσασθαι
Ἀνδοκίδῃ, ἐπισταμένοις ὅτι ἐναργῶς
τὼ θεὼ τούτω τιμωρεῖτον[2] τοὺς ἀδικοῦντας·
ἐλπίσαι οὖν χρὴ πάντα ἄνθρωπον ταὐτὰ[3] καὶ
4 ἑαυτῷ καὶ ἑτέρῳ ἔσεσθαι. φέρε γάρ, ἐὰν νυνὶ
Ἀνδοκίδης ἀθῷος ἀπαλλαγῇ <δι'>[4] ὑμᾶς ἐκ τοῦδε
τοῦ ἀγῶνος καὶ ἔλθῃ κληρωσόμενος τῶν ἐννέα

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[1] post λέγοντος sequuntur ὅτι Ἀνδοκίδης μηνύων τοὺς αὑτοῦ (αὐτοῦ X) συγγενεῖς καὶ φίλους ἀπώλλυε (ἀπολλύων X^k), φάσκων αὐτοὺς συνεργοὺς εἶναι: damnavit Reiske.

[2] τιμωρεῖτον Dobree: τιμωρεῖτε, τιμωρεῖται MSS.

[3] ταὐτὰ Thalheim: ὄντα MSS.

[4] δι' add. Scheibe.

VI. AGAINST ANDOCIDES: FOR IMPIETY

. . . he tied up the horse to the ring on the temple door, as though he were handing it back; but on the following night he contrived to take it away. Well, the man who did this has perished by the most painful death, of hunger; for, although plenty of good things were set on the table before him, he found that the bread and cake had a vile odour, and he was unable to eat. This fact a number of us heard stated by the priest in charge of the rites. I therefore think it just that I should now recall in connexion with the accused the statements made at that time, and that not only should his friends perish by his act and his information, but he himself too should perish by the action of another.

It is impossible for you on your part, when you give your vote on a matter of this kind, to show either pity or indulgence to Andocides, since you understand that these two goddesses[a] take signal vengeance upon wrongdoers: every man ought therefore to expect the same consequences for himself and for others. I would ask you, if you allow Andocides to get off now unscathed from this trial, and to attend for drawing the lots for the nine archons, and to be

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[a] Demeter and Persephone.

ἀρχόντων καὶ λάχῃ βασιλεύς, ἄλλο τι ἢ ὑπὲρ
ὑμῶν καὶ θυσίας θύσει[1] καὶ εὐχὰς εὔξεται κατὰ
τὰ πάτρια, τὰ μὲν ἐν τῷ ἐνθάδε Ἐλευσινίῳ, τὰ
δὲ ἐν τῷ Ἐλευσῖνι ἱερῷ, καὶ τῆς ἑορτῆς ἐπιμελήσεται
μυστηρίοις, ὅπως ἂν μηδεὶς ἀδικῇ μηδὲ
5 ἀσεβῇ τὰ ἱερά; καὶ τίνα γνώμην οἴεσθε ἕξειν τοὺς
μύστας τοὺς ἀφικνουμένους, ἐπειδὰν ἴδωσι τὸν
βασιλέα ὅστις ἐστὶ καὶ ἀναμνησθῶσι πάντα τὰ
ἠσεβημένα αὐτῷ, ἢ τοὺς ἄλλους Ἕλληνας, οἳ ἕνεκα
ταύτης τῆς ἑορτῆς <ἔρχονται>[2] ἢ θύειν εἰς ταύτην
6 τὴν πανήγυριν βουλόμενοι ἢ θεωρεῖν; οὐδὲ γὰρ
ἀγνὼς ὁ Ἀνδοκίδης οὔτε τοῖς ἔξω οὔτε τοῖς ἐνθάδε
διὰ τὰ ἠσεβημένα. ἀναγκαίως γὰρ ἔχει ἀπὸ τῶν
πολὺ διαφερόντων ἢ κακῶν ἢ ἀγαθῶν ἔργων τοὺς
ποιήσαντας γιγνώσκεσθαι. ἔπειτα δὲ καὶ διώχληκε
πόλεις πολλὰς ἐν τῇ ἀποδημίᾳ, Σικελίαν, Ἰταλίαν,
Πελοπόννησον, Θετταλίαν, Ἑλλήσποντον, Ἰωνίαν,
Κύπρον· βασιλέας πολλοὺς κεκολάκευκεν, ᾧ ἂν συγγένηται,
7 πλὴν τοῦ Συρακοσίου Διονυσίου. οὗτος
δὲ ἢ πάντων εὐτυχέστατός ἐστιν ἢ πλεῖστον
γνώμῃ διαφέρει τῶν ἄλλων, ὃς μόνος τῶν συγγενομένων
Ἀνδοκίδῃ οὐκ ἐξηπατήθη ὑπ' ἀνδρὸς
τοιούτου, ὃς τέχνην ταύτην ἔχει, τοὺς μὲν ἐχθροὺς
μηδὲν ποιεῖν κακόν, τοὺς δὲ φίλους ὅ τι ἂν δύνηται
κακόν. ὥστε μὰ τὸν Δία οὐ ῥᾴδιόν ἐστιν ὑμῖν
[104] αὐτῷ οὐδὲν χαρισαμένοις παρὰ τὸ δίκαιον λαθεῖν
τοὺς Ἕλληνας.

8 Νῦν οὖν ὑμῖν ἐν ἀνάγκῃ ἐστὶ βουλεύσασθαι περὶ

[1] θυσίας θύσει Cobet: θυσιάσουσι, θυσιάσει MSS.

[2] ἔρχονται add. Reiske.

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[a] The king-archon's functions were mainly religious, and were especially concerned with the Mysteries.

elected king-archon,[a] shall we not see him performing sacrifices and offering prayers on your behalf according to ancestral custom, sometimes in the Eleusinium here,[b] sometimes in the temple at Eleusis, and overseeing the celebration of the Mysteries, to prevent the commission of any offence or impiety concerning the sacred things ? And what, think you, will be the feelings of the initiated who arrive for the rite, when they see who the king is, and remember all his impious acts ; or what the thoughts of the other Greeks who come for this celebration, purposing either to sacrifice or to attend in state[c] at that great assembly ? For Andocides is by no means unknown either to foreigners or to our own people, such has been the impiety of his conduct ; since it needs must be that, if they are specially outstanding, either good or evil deeds make their doers well-known. And besides, during his absence abroad he has caused commotion in many cities, in Sicily, Italy, the Peloponnese, Thessaly, the Hellespont, Ionia and Cyprus : he has flattered many kings—everyone with whom he has had dealings, except Dionysius of Syracuse. That monarch is either the most fortunate of them all, or far above the rest in intelligence, since he alone of those who dealt with Andocides was not deceived by the sort of man who has the art of doing no harm to his enemies but as much as he can to his friends. So, by Heaven, it is no easy matter for you to show him any indulgence in contempt of justice without being noticed by the Greeks.

The moment, therefore, has come when you must

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[b] As distinguished from the sanctuary at Eleusis.

[c] Religious envoys came either as spectators or to give notice of a festival about to be held elsewhere.

αὐτοῦ· εὖ γὰρ ἐπίστασθε, ὦ ἄνδρες Ἀθηναῖοι, ὅτι
οὐχ οἷόν τε ὑμῖν ἐστιν ἅμα τοῖς τε νόμοις τοῖς
πατρίοις καὶ Ἀνδοκίδῃ χρῆσθαι, ἀλλὰ δυοῖν
θάτερον, ἢ τοὺς νόμους ἐξαλειπτέον ἐστὶν ἢ ἀπ-
9 αλλακτέον τοῦ ἀνδρός. εἰς τοσοῦτον δὲ τόλμης
ἀφῖκται, ὥστε καὶ λέγει περὶ τοῦ νόμου, ὡς
καθῄρηται ὁ περὶ αὐτοῦ κείμενος καὶ ἔξεστιν
αὐτῷ ἤδη εἰσιέναι εἰς τὴν ἀγορὰν καὶ εἰς τὰ
ἱερά . . . ἂν ἔτι καὶ νῦν Ἀθηναίων ἐν τῷ βου-
10 λευτηρίῳ. καίτοι Περικλέα ποτέ φασι παραινέ-
σαι ὑμῖν περὶ τῶν ἀσεβούντων, μὴ μόνον χρῆσθαι
τοῖς γεγραμμένοις νόμοις περὶ αὐτῶν, ἀλλὰ καὶ
τοῖς ἀγράφοις, καθʼ οὓς Εὐμολπίδαι ἐξηγοῦν-
ται, οὓς οὐδείς πω κύριος ἐγένετο καθελεῖν οὐδὲ
ἐτόλμησεν ἀντειπεῖν, οὐδὲ αὐτὸν τὸν θέντα ἴσασιν·
ἡγεῖσθαι γὰρ ἂν αὐτοὺς οὕτως οὐ μόνον τοῖς
ἀνθρώποις ἀλλὰ καὶ τοῖς θεοῖς διδόναι δίκην.
11 Ἀνδοκίδης δὲ τοσοῦτον καταπεφρόνηκε τῶν θεῶν
καὶ ὧν ἐκείνοις δεῖ τιμωρεῖν, ὥστε πρὶν [μᾶλλον
ἢ ἧττον][1] ἢ ἐπιδεδημηκέναι δέκα ἡμέρας ἐν τῇ
πόλει προσεκαλέσατο δίκην ἀσεβείας πρὸς τὸν
βασιλέα, καὶ ἔλαχεν Ἀνδοκίδης <ὢν>[2] καὶ πεποιη-
κὼς ἃ οὗτος πεποίηκε περὶ τοὺς θεοὺς καὶ (ἵνα
μᾶλλον πρόσσχητε τὸν νοῦν) φάσκων τὸν Ἄρχ-
ιππον[3] ἀσεβεῖν περὶ τὸν Ἑρμῆν τὸν αὐτοῦ πατρῷον.
ὁ δὲ Ἄρχιππος ἠντεδίκει ἦ μὴν τὸν Ἑρμῆν

[1] μᾶλλον ἢ ἧττον del. Taylor.
[2] ὢν add. Reiske.
[3] Ἄρχιππον Palmer: Ἀρίστιππον MSS.

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[a] A decree of Isotimides excluded from the market-place and the temples those impious persons who had obtained immunity by laying information against others.

[b] A few words are missing here from the text.

of necessity make a decision on his case. For you are well aware, men of Athens, that it is not possible for you to live with our ancestral laws and with Andocides at the same time: it must be one of two things, —either you must wipe out the laws, or you must get rid of the man. He has carried audacity to such a pitch that he actually refers to the law we have made regarding him as one that has been abolished,[a] and claims liberty henceforth to enter the market-place and the temples . . .[b] even to-day in the Council House of the Athenians. Yet Pericles, they say, advised you once that in dealing with impious persons you should enforce against them not only the written but the unwritten laws also, which the Eumolpidae[c] follow in their exposition, and which no one has yet had the authority to abolish or the audacity to gainsay,—laws whose very author is unknown: he judged that they would thus pay the penalty, not merely to men, but also to the gods. But Andocides has shown such contempt for the gods and for those whose duty it is to avenge them, that before he had been resident in the city ten days he instituted proceedings for impiety before the king-archon, and lodged his complaint,[d] though he was Andocides, and had not only done what that person has done with regard to the gods, but asserted—and here you should give your closest attention—that Archippus was guilty of an impiety against the Hermes of his house. Archippus countered this with a sworn statement that the Hermes was sound and entire and

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[c] The hereditary priests of Eleusis, who pronounced orally on cases of conscience, etc., and were the repositories of traditional, as distinct from codified, custom.

[d] πρόσκλησις was the citation of the person accused, and λῆξις was the formal complaint before the magistrate.

ὑγιᾶ τε καὶ ὅλον εἶναι, καὶ μηδὲν παθεῖν ὧνπερ
12 οἱ ἄλλοι Ἑρμαῖ· ὅμως μέντοι ἵνα μὴ ὑπὸ τούτου
τοιούτου ὄντος πράγματ᾿ ἔχοι, δοὺς ἀργύριον
ἀπηλλάγη. καίτοι ὁπότε οὗτος παρ᾿ ἑτέρου ἠξίωσε
δίκην ἀσεβείας λαβεῖν, ἦ που ἑτέρους γε παρὰ
τούτου λαβεῖν δίκαιον καὶ εὐσεβές ἐστιν.

13 Ἀλλὰ λέξει δεινὸν εἶναι, εἰ ὁ μὲν μηνυτὴς τὰ
ἔσχατα πείσεται, οἱ δὲ μηνυθέντες τῶν αὐτῶν ὑμῖν
ἐπίτιμοι ὄντες μεθέξουσι. καίτοι οὐχ ὑπὲρ αὑτοῦ
ἀπολογήσεται, ἀλλὰ καὶ τῶν ἄλλων κατηγορήσει.
τοὺς μὲν οὖν ἄλλους οἱ ἐπιτάξαντες καταδέξασθαι
ἀδικοῦσι καὶ τοῦ αὐτοῦ ἀσεβήματος αἴτιοί εἰσιν·
εἰ δ᾿ ὑμεῖς αὐτοκράτορες ὄντες αὐτοί[1] ἐστε οἱ
ἀφελόντες τὰς τιμωρίας τῶν θεῶν, ἀλλ᾿ <οὐχ>[2]
οὗτοι αἴτιοι ἔσονται. ὑμεῖς οὖν μὴ βούλεσθε εἰς
ὑμᾶς τὴν αἰτίαν ταύτην περιτρέψαι, ἐξὸν τὸν
14 ἀδικοῦντα κολάσασιν ἀπηλλάχθαι. ἔπειτα δ᾿
ἐκεῖνοι μὲν ἀρνοῦνται τὰ μεμηνυμένα, οὗτος δὲ
ὁμολογεῖ ποιῆσαι. καίτοι καὶ ἐν Ἀρείῳ πάγῳ,
ἐν τῷ σεμνοτάτῳ καὶ δικαιοτάτῳ δικαστηρίῳ,
ὁμολογῶν μὲν ἀδικεῖν ἀποθνῄσκει, ἐὰν δὲ ἀμφισβητῇ,
ἐλέγχεται, καὶ πολλοὶ οὐδὲν ἔδοξαν
ἀδικεῖν. οὔκουν ὁμοίαν χρὴ γνώμην ἔχειν περί
τε τῶν ἀρνουμένων καὶ περὶ τῶν ὁμολογούντων.[3]
15 δεινὸν δέ μοι δοκεῖ εἶναι· ἐὰν μέν τις ἀνδρὸς σῶμα
τρώσῃ, κεφαλὴν ἢ πρόσωπον ἢ χεῖρας ἢ πόδας,
οὗτος[4] μὲν κατὰ τοὺς νόμους τοὺς ἐξ Ἀρείου πάγου
φεύξεται τὴν τοῦ ἀδικηθέντος πόλιν,[5] καὶ ἐὰν κατίῃ,

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[1] ὄντες αὐτοί Reiske: ἦτε καὶ MSS.

[2] οὐχ add. Reiske.

[3] ὁμολογούντων Reiske: ὁμολογουμένων MSS.

[4] οὗτος Dobree: αὐτὸς MSS.

[5] post πόλιν in libris ἢ τραύματος ἐκ προνοίας: del. Taylor.

had in no way been treated like the other figures of the god: but at the same time, to avoid being troubled by a man of Andocides' sort, he got his release by a payment of money. Well now, since Andocides has sought to exact a penalty from another for impiety, surely justice and piety require that others should exact one from him.

But he will say it is strange that the denouncer should suffer the extreme penalty, while the denounced are to retain their full rights and share the same privileges with you. Nay, in fact, he will not speak in his own defence, but will accuse the rest. Now of course the persons who ordered the recall of the rest are in the wrong, and are guilty of the same impiety as they: but if you, with your supreme authority, are yourselves the persons who have cheated the gods of their vengeance, it is certainly not those men who will be the guilty ones. Then do not allow this charge to rebound on you, when you are free to clear yourselves by punishing the wrongdoer. Moreover, they deny the acts for which they have been denounced, whereas he admits those reported of him. And yet, in a trial before the Areopagus, that most august and equitable of courts, a man who admits his guilt suffers death, while if he contests the charge he is put to the proof, and many have been found quite innocent. So you should not hold the same opinion of those who deny and of those who admit the charge. And this, to my mind, is a strange thing: whoever wounds a man's person, in the head or face or hands or feet, he shall be banished, according to the laws of the Areopagus, from the city of the man who has been injured, and if he returns, he

ἐνδειχθεὶς θανάτῳ ζημιωθήσεται· ἐὰν δέ τις τὰ
αὐτὰ ταῦτα ἀδικήσῃ τὰ ἀγάλματα τῶν θεῶν, οὐδ᾽
αὐτῶν κωλύσετε τῶν ἱερῶν ἐπιβαίνειν ἢ εἰσιόντα
‹οὐ›[1] τιμωρήσεσθε; καὶ μὲν δὴ τούτων καὶ δίκαιον
καὶ ἀγαθόν ἐστιν ἐπιμελεῖσθαι, ὑφ᾽ ὧν καὶ εὖ καὶ
16 κακῶς δυνήσεσθε πάσχειν. φασὶ δὲ καὶ τῶν
Ἑλλήνων πολλοὺς διὰ τὰ ἐνθάδε ἀσεβήματα ἐκ
τῶν παρ᾽ αὐτοῖς ἱερῶν ἐξείργειν. ὑμεῖς δὲ αὐτοὶ
οἱ ἀδικηθέντες περὶ ἐλάττονος ποιεῖσθε τὰ παρ᾽
17 ὑμῖν νόμιμα ἢ ἕτεροι τὰ ὑμέτερα. τοσοῦτον δ᾽
οὗτος Διαγόρου τοῦ Μηλίου ἀσεβέστερος γεγένηται·
ἐκεῖνος μὲν γὰρ λόγῳ περὶ τὰ ἀλλότρια ἱερὰ καὶ
ἑορτὰς ἠσέβει, οὗτος δὲ ἔργῳ περὶ τὰ[2] ἐν τῇ αὑτοῦ
πόλει. ὀργίζεσθαι οὖν χρή, ὦ ἄνδρες Ἀθηναῖοι,
τοῖς ἀστοῖς ἀδικοῦσι μᾶλλον ἢ τοῖς ξένοις περὶ
ταῦτα τὰ ἱερά· τὸ μὲν γὰρ ὥσπερ ἀλλότριόν ἐστιν
18 ἁμάρτημα, τὸ δ᾽ οἰκεῖον. καὶ μὴ οὓς μὲν ἔχετε
ἀδικοῦντας ἀφίετε, τοὺς δὲ φεύγοντας ζητεῖτε
συλλαμβάνειν, ἐπικηρύττοντες τάλαντον ἀργυρίου
[105] δώσειν τῷ ἀπάγοντι ἢ ἀποκτείναντι. εἰ δὲ μή,
δόξετε τοῖς Ἕλλησι κομπάζειν μᾶλλον ἢ τιμωρεῖσθαι
19 βούλεσθαι. ἐπεδείξατο δὲ καὶ τοῖς Ἕλλησιν
ὅτι θεοὺς οὐ νομίζει. οὐ γὰρ ὡς δεδιὼς τὰ
πεποιημένα, ἀλλ᾽ ὡς θαρρῶν, ναυκληρίᾳ ἐπιθέμενος
τὴν θάλατταν ἔπλει. ὁ δὲ θεὸς ὑπῆγεν αὐτόν, ἵνα
ἀφικόμενος εἰς τὰ ἁμαρτήματα ἐπὶ τῇ ἐμῇ προφάσει
20 δοίη δίκην. ἐλπίζω μὲν οὖν αὐτὸν καὶ

[1] *οὐ* add. Aldus. [2] *τὰ* Aldus: *τὰς* MSS.

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[a] Called the "Godless"; *cf.* Aristoph. *Birds*, 1073; Diodorus Siculus, xiii. 6.

[b] The text implies that the deity is employing the speaker as a fair and convenient means of punishing Andocides.

shall be impeached and punished with death; but whoever does these same injuries to the images of the gods is not to be debarred by you from approaching the very temples, and is not to be punished for entering them! Nay, surely it is just and good to have a care for those beings by whom you may be either well or ill entreated. It is even said that many of the Greeks exclude men from their own temples on account of impious acts committed here; while to you, the very persons who have suffered these wrongs, your own established customs are of less account than they are to mere strangers! And mark how far more impious this man has shown himself than Diagoras the Melian[a]; for he was impious in speech regarding the sacred things and celebrations of a foreign place, whereas Andocides was impious in act regarding the sanctities of his own city. Now where these sacred things are concerned you should rather be indignant, men of Athens, at guilt in your own citizens than in strangers; for in the one case the offence is in a manner alien to you, but in the other it is domestic. And do not let off those whom you hold here as wrongdoers, while you seek to apprehend those who are in exile, proclaiming by herald your offer of a talent of silver to anyone who arrests or kills them; else you will be judged by the Greeks to be making a brave show rather than intending to punish. He has made it plain to the Greeks at large that he does not revere the gods. For without a sign of misgiving for his actions, but with an air of assurance, he took to ship-owning, and went voyaging on the sea. But the deity was enticing him on, that he might return to his iniquities and pay the penalty at my instance.[b] Well, I hope that he

δώσειν δίκην, θαυμάσιον δὲ οὐδὲν ἄν μοι γένοιτο. οὔτε γὰρ ὁ θεὸς παραχρῆμα κολάζει [ἀλλ' αὕτη μέν ἐστιν ἀνθρωπίνη δίκη][1]· πολλαχόθεν δὲ ἔχω τεκμαιρόμενος εἰκάζειν, ὁρῶν καὶ ἑτέρους ἠσεβηκότας χρόνῳ δεδωκότας δίκην, καὶ τοὺς ἐξ ἐκείνων διὰ τὰ τῶν προγόνων ἁμαρτήματα· ἐν δὲ τούτῳ τῷ χρόνῳ δέη πολλὰ καὶ κινδύνους ὁ θεὸς ἐπιπέμπει τοῖς ἀδικοῦσιν, ὥστε πολλοὺς ἤδη ἐπιθυμῆσαι τελευτήσαντας τῶν κακῶν ἀπηλλάχθαι. ὁ δὲ θεὸς τέλος τούτῳ λυμηνάμενος τῷ βίῳ θάνατον ἐπέθηκε.

21 Σκέψασθε δὲ καὶ αὐτοῦ Ἀνδοκίδου τὸν βίον,
ἀφ' οὗ ἠσέβηκε, καὶ εἴ τις τοιοῦτος ἕτερός ἐστιν.
Ἀνδοκίδης γὰρ ἐπειδὴ ἥμαρτεν, ἐξ ἐπιβολῆς[2]
εἰσαχθεὶς εἰς τὸ δικαστήριον, ἔδησεν[3] ἑαυτὸν
τιμησάμενος δεσμοῦ, εἰ μὴ παραδοίη τὸν ἀκόλουθον·
22 εὖ δ' ᾔδει οὐ δυνησόμενος παραδοῦναι, ὃς
διὰ τοῦτον καὶ τὰ τούτου ἁμαρτήματα ἀπέθανεν,
ἵνα <μὴ>[4] μηνυτὴς γένοιτο. καίτοι πῶς οὐ θεῶν
τις τὴν τούτου γνώμην διέφθειρεν, ὃς ῥᾷον ἡγήσατο
δεσμοῦ τιμήσασθαι ἢ ἀργυρίου[5] ἐπ' ἐλπίδι τῇ αὐτῇ;
23 ἐκ δ' οὖν τούτου τοῦ τιμήματος ἐδέδετο ἐγγὺς
ἐνιαυτόν, καὶ ἐμήνυσε δεδεμένος κατὰ τῶν αὑτοῦ
συγγενῶν καὶ φίλων, ἀδείας δοθείσης αὐτῷ, εἰ
δόξειε τἀληθῆ μηνῦσαι. καὶ τίνα αὐτὸν δοκεῖτε
ψυχὴν ἔχειν, ὁπότε τὰ μὲν ἔσχατα καὶ τὰ αἴσχιστα

[1] ἀλλ' . . . δίκη del. Halbertsma.
[2] ἐπιβολῆς Taylor : ἐπιβουλῆς MSS.
[3] ἔδησεν Stephanus : ἐδέησεν MSS.
[4] μὴ add. Stephanus.
[5] ἢ ἀργυρίου Taylor : μαρτυρίου MSS.

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[a] ἐξ ἐπιβολῆς (if Taylor's conjecture is correct) must imply "as the result of a fine summarily inflicted" (by the archons); *cf.* xxx. 3.

will indeed pay the penalty, and there would be nothing to surprise me in that ; for the deity does not punish immediately, as I may conjecture by many indications, when I see others besides who have paid the penalty long after their impious acts, and their descendants punished for the ancestors' offences. But in the meantime the deity sends upon the wrongdoers many terrors and dangers, so that many men ere now have desired that their end had come and relieved them of their troubles by death. At length, it is only when he has utterly blasted this life of theirs that the deity has closed it in death.

Only consider Andocides' own life since he committed his impiety, and judge if there is any other man to compare with him. For Andocides, when after his offence he was brought before the court by a summary citation,[a] committed himself to prison, having assessed[b] the penalty at imprisonment if he failed to hand over his attendant : he knew well that he would not be able to hand him over, since he had been put to death in order to shield this man and his offences from his servant's denunciation. Now, must it not have been some god that destroyed his reason, when he conceived it to be easier for him to propose imprisonment than a sum of money, with as good a hope in either case ? However, as the result of this proposal he lay for nearly a year in prison, and informed as a prisoner against his own kinsmen and friends, having been granted impunity if his information should be deemed true. What soul do you think was his, when he could descend to the

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[b] A defendant could propose a penalty as an alternative to that proposed by the plaintiff, and the judges had to vote for one or the other penalty.

ἐποίει μηνύων κατὰ τῶν ἑαυτοῦ φίλων, ἡ δὲ
24 σωτηρία ἀφανὴς αὐτῷ; μετὰ δὲ ταῦτα, ἐπειδὴ
ἀπεκτονὼς ἦν οὓς αὐτὸς ἔφη περὶ πλείστου ποιεῖσθαι,
ἔδοξε τἀληθῆ μηνῦσαι καὶ ἐλύθη, καὶ
προσεψηφίσασθε ὑμεῖς αὐτὸν εἴργεσθαι τῆς ἀγορᾶς
καὶ τῶν ἱερῶν, ὥστε μηδ' ἀδικούμενον ὑπὸ τῶν
25 ἐχθρῶν δύνασθαι δίκην λαβεῖν. οὐδεὶς γάρ πω,[1]
ἐξ ὅσου Ἀθῆναι[2] ἀείμνηστοί εἰσιν, ἐπὶ τοιαύτῃ
αἰτίᾳ ἠτιμώθη. δικαίως· οὐδὲ γὰρ ἔργα τοιαῦτα
οὐδείς πω εἰργάσατο. καὶ τούτων πότερα τοὺς
26 θεοὺς χρὴ ἢ τὸ αὐτόματον αἰτιᾶσθαι; μετὰ δὲ
ταῦτα ἔπλευσεν ὡς τὸν Κιτιῶν βασιλέα, καὶ προδιδοὺς
ληφθεὶς ὑπ' αὐτοῦ ἐδέθη, καὶ οὐ μόνον τὸν
θάνατον ἐφοβεῖτο ἀλλὰ καὶ τὰ καθ' ἡμέραν αἰκίσματα,
οἰόμενος τὰ ἀκρωτήρια ζῶντος ἀποτμηθήσεσθαι.
27 ἀποδρὰς δὲ ἐκ τούτου τοῦ κινδύνου
κατέπλευσεν εἰς τὴν ἑαυτοῦ πόλιν ἐπὶ[3] τῶν τετρακοσίων·
‹τοσαύτην γὰρ ὁ›[4] θεὸς λήθην ἔδωκεν,
ὥστε εἰς τοὺς ἠδικημένους αὐτοὺς ἐπεθύμησεν
ἀφικέσθαι. ἀφικόμενος δὲ ἐδέθη καὶ ᾐκίσθη,
28 ἀπώλετο δὲ οὐχί, ἀλλ' ἐλύθη. ἔνθεν δὲ ἔπλευσεν
ὡς Εὐαγόραν τὸν Κύπρου βασιλεύοντα, καὶ
ἀδικήσας εἵρχθη. ἀποδρὰς δὲ καὶ[5] τοῦτον ἔφευγε
μὲν τοὺς ἐνθάδε θεούς, ἔφευγε δὲ τὴν ἑαυτοῦ
πόλιν ἔφευγε δὲ εἰς οὓς τὸ πρῶτον ἀφίκοιτο τόπους.
καίτοι τίς χάρις τῷ βίῳ, κακοπαθεῖν μὲν πολλάκις,
29 ἀναπαύσασθαι δὲ μηδέποτε; καταπλεύσας δὲ ἐκεῖθεν
δεῦρο εἰς δημοκρατίαν [εἰς τὴν αὐτοῦ πόλιν][6]

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[1] πω Reiske: που MSS. [2] Ἀθῆναι Bekker: Ἀθηναίων MSS.

[3] ἐπὶ Taylor: ἐπεὶ MSS.

[4] γὰρ add. Taylor, τοσαύτην et ὁ Markland.

[5] ἀποδρὰς δὲ καὶ Reiske: ἀποδράσας MSS.

[6] εἰς . . . πόλιν del. Dobree.

utmost depth of baseness in informing against his own friends, with so little prospect of deliverance? After that, when he had achieved the death of those whom he professed to value most highly, he was held to have given true information and was released: you then passed a special decree that he was to be barred from the market-place and the temples, so that even if wronged by his enemies he could get no redress. Why, nobody to this day, throughout the ever-memorable history of Athens, has been disqualified on so grave a charge. And justly; for neither has anyone to this day committed such acts. Should we attribute these results to the gods, or to mere chance? After this he took ship and went to the king of Citium[a]; and being caught by him in an act of treachery he was imprisoned, and was in fear, not merely of death, but of daily tortures, expecting to be docked alive of his extremities. But he slipped away from this danger and sailed back to his own city in the time of the Four Hundred[b]: such a gift of forgetfulness had Heaven bestowed on him, that he desired to come amongst the very persons whom he had wronged. When he came, he was imprisoned and tormented, but not to death, and he was released. He then took ship and went to Evagoras, who was king of Cyprus, committed a crime, and was locked up. He slipped away from those clutches also, a fugitive from the gods of our land, a fugitive from his own city, a fugitive from each place as soon as he arrived in it! And yet what charm could he find in a life of repeated suffering without a moment of respite? He sailed back from that land to this city—then under a

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[a] On the south coast of Cyprus.

[b] June to September, 411 B.C.

τοῖς μὲν πρυτάνεσιν ἔδωκε χρήματα, ἵνα αὐτὸν
προσαγάγοιεν ἐνθάδε, ὑμεῖς δ᾽ αὐτὸν ἐξηλάσατε
ἐκ τῆς πόλεως, τοῖς θεοῖς βεβαιοῦντες τοὺς νόμους
30 οὓς ἐψηφίσασθε. καὶ τὸν ἄνδρα οὐ δῆμος, οὐκ
ὀλιγαρχία, οὐ τύραννος, οὐ πόλις ἐθέλει δέξασθαι
διὰ τέλους, ἀλλὰ πάντα τὸν χρόνον, ἐξ ὅσου
ἠσέβησεν, ἀλώμενος διάγει, πιστεύων ἀεὶ μᾶλλον
τοῖς ἀγνῶσι τῶν γνωρίμων διὰ τὸ ἠδικηκέναι οὓς
γιγνώσκει. τὸ δὲ τελευταῖον νῦν ἀφικόμενος εἰς
31 τὴν πόλιν δὶς ἐν τῷ αὐτῷ ἐνδέδεικται. καὶ τὸ
μὲν σῶμα ἀεὶ ἐν δεσμοῖς ἔχει, ἡ δὲ οὐσία αὐτοῦ
ἐλάττων ἐκ τῶν κινδύνων γίγνεται. καίτοι[1] ὅταν
τις τὸν αὐτοῦ βίον τοῖς ἐχθροῖς καὶ τοῖς συκοφάνταις
[106] διανέμῃ, τοῦτ᾽ ἔστι τὸ ζῆν[2] βίον ἀβίωτον. ἃ τούτῳ
ὁ θεὸς οὐκ ἐπὶ σωτηρίᾳ ἐπινοεῖν δίδωσιν, ἀλλὰ
32 τιμωρούμενος τῶν γεγενημένων ἀσεβημάτων. τὸ
δὲ τελευταῖον νυνὶ παραδέδωκεν αὐτὸν ὑμῖν χρῆσθαι
ὅ τι ἂν βούλησθε, οὐ τῷ μὴ ἀδικεῖν πιστεύων,
ἀλλ᾽ ὑπὸ δαιμονίου τινὸς ἀγόμενος ἀνάγκης.
οὔκουν χρὴ μὰ τὸν Δία οὔτε πρεσβύτερον ὄντα
οὔτε νεώτερον, ὁρῶντας Ἀνδοκίδην ἐκ τῶν κινδύνων
σῳζόμενον, συνειδότας αὐτῷ ἔργα ἀνόσια
εἰργασμένῳ, ἀθεωτέρους γίγνεσθαι, ἐνθυμουμένους
ὅτι ἥμισυς ὁ βίος βιῶναι κρείττων ἀλύπως ἐστὶν
ἢ διπλάσιος λυπουμένῳ, ὥσπερ οὗτος.

33 Εἰς τοσοῦτον δὲ ἀναισχυντίας ἀφῖκται, ὥστε καὶ
παρασκευάζεται τὰ πολιτικὰ πράττειν[3] καὶ ἤδη
δημηγορεῖ καὶ ἐπιτιμᾷ καὶ ἀποδοκιμάζει τῶν

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[1] καίτοι Markland: καὶ MSS.

[2] ζῆν Cobet: τὸν MSS.

[3] τὰ πολιτικὰ πράττειν Valckenaer: τῇ πόλει καὶ πράττει MSS.

democracy—and bribed the presiding magistrates to introduce him here; but you banished him from the city, upholding at Heaven's behest the laws which you had decreed. And there is not a democracy, an oligarchy, a despot, or a city anywhere that is willing ever to receive this man: during all the time since he committed his impiety he spends his days as a wanderer, trusting always to unknown people rather than known, because of the wrong that he has done to those whom he knows. Finally, on his present arrival in the city he has been twice impeached in the same place. He keeps his person always in gaol, while his substance diminishes owing to his embarrassments. And yet, when a man portions out his own life among enemies and blackmailers, it is living no life at all. These shifts are suggested to him by the deity, not for his salvation, but to punish him for the impieties that have been committed. And now at last he has given himself up to you, to be dealt with at your discretion, not trusting in an absence of guilt, but urged by some supernal compulsion. Now, by Heaven, it must not be that any man, whether elderly or young, should lose faith in the gods through seeing Andocides saved from his dangers, when all are acquainted with the unholy acts that he has committed: we should reflect that half a life lived in freedom from pain is preferable to one of double span that is passed, like his, in distress.

But so high is the flight of his impudence that he actually prepares for a public career, and already speaks before the people, makes accusations, and is for disqualifying[a] some of our magistrates; he

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[a] Any citizen could accuse a magistrate-elect at the public examination or scrutiny of his qualifications (δοκιμασία).

ἀρχόντων τισί. καὶ συμβουλεύει τὴν βουλὴν εἰσιὼν
περὶ θυσιῶν καὶ προσόδων καὶ εὐχῶν καὶ μαντειῶν.
καίτοι τούτῳ πειθόμενοι ποίοις θεοῖς ἡγήσεσθε
κεχαρισμένα ποιεῖν; μὴ γὰρ οἴεσθε, ὦ ἄνδρες
δικασταί, εἰ ὑμεῖς βούλεσθε τὰ τούτῳ πεποιημένα
34 ἐπιλαθέσθαι, καὶ τοὺς θεοὺς ἐπιλήσεσθαι. ἀξιοῖ
δὲ οὐχ ὡς ἠδικηκὼς ἡσυχίαν ἔχων πολιτεύεσθαι,
ἀλλ᾽ ὥσπερ αὐτὸς ἐξευρὼν τοὺς τὴν πόλιν ἀδικήσαντας,
οὕτω διανοεῖται, καὶ παρασκευάζεται
ὅπως ἑτέρων[1] μεῖζον δυνήσεται, ὥσπερ οὐ διὰ
πρᾳότητα καὶ ἀσχολίαν τὴν ὑμετέραν οὐ δεδωκὼς
ὑμῖν δίκην, εἰς οὓς νῦν ἁμαρτάνων οὐ λανθάνει,
ἀλλ᾽ ἅμα ἐξελεγχθήσεταί τε καὶ δώσει δίκην.

35 Ἰσχυριεῖται δὲ καὶ τούτῳ τῷ λόγῳ· ἀναγκαίως
γὰρ ἔχει[2] ὑμᾶς διδάσκειν ἃ οὗτος ἀπολογήσεται,
ἵν᾽ ἀκούσαντες παρ᾽ ἀμφοτέρων ἄμεινον διαγνῶτε.
φησὶ γὰρ ἀγαθὰ μεγάλα ποιῆσαι τὴν πόλιν μηνύσας
καὶ ἀπαλλάξας δέους καὶ ταραχῆς τῆς τότε. τίς
36 δὲ τῶν μεγάλων κακῶν αἴτιος ἐγένετο; οὐκ αὐτὸς
οὗτος, ποιήσας ἃ ἐποίησεν; εἶτα τῶν μὲν ἀγαθῶν
δεῖ τούτῳ χάριν εἰδέναι, ὅτι ἐμήνυσε, μισθὸν ὑμῶν
αὐτῷ διδόντων τὴν ἄδειαν, τῆς δὲ ταραχῆς[3] καὶ
τῶν κακῶν ὑμεῖς αἴτιοί ἐστε, ὅτι ἐζητεῖτε τοὺς
ἠσεβηκότας; οὐ δήπουθεν, ἀλλ᾽ αὐτὸ τούτου τοὐναντίον
ἐτάραξε μὲν οὗτος τὴν πόλιν, κατεστήσατε
δ᾽ ὑμεῖς.

37 Πυνθάνομαι δ᾽ αὐτὸν μέλλειν ἀπολογήσεσθαι

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[1] ἑτέρων Contius: ἑτέρους, ἑτέρως MSS.

[2] ἔχει Franz: ἔχω MSS.

[3] δὲ ταραχῆς Schott: δ᾽ ἀρχῆς MSS.

attends meetings of the Council, and takes part in debates on sacrifices, processions, prayers and oracles. Yet, in allowing yourselves to be influenced by this man, what gods can you expect to be gratifying? For do not suppose, gentlemen of the jury, that, if you wish to forget the things that he has done, the gods will forget them also. He claims a quiet enjoyment of his citizenship, as though he were no wrongdoer, nay, with the air of having himself discovered the injurers of the city; and he plans to have more power than other men, as though he had not to thank your mildness and preoccupation for his escape from punishment at your hands. He is trespassing against you now, as all can see; but the instant of his conviction will also be that of his punishment.

But there is another argument on which he will insist,—for it is necessary to instruct you in the defence that he will make, in order that having heard both sides you may form a better decision: he says he has conferred great benefits on the city by laying information and relieving you of the fear and confusion of that time. But who was the author of our great troubles? Was it not this very man, by the acts that he committed? After that, ought we to feel grateful to him for those benefits, because he laid information when you offered him impunity as his payment, and are you the authors of that confusion and those troubles, because you sought out the wrongdoers? Surely not: the case is quite the contrary; he threw the city into confusion, but you restored it to composure.

I understand that he proposes to urge in his de-

ὡς αἱ συνθῆκαι καὶ αὐτῷ εἰσι, καθάπερ καὶ τοῖς
ἄλλοις Ἀθηναίοις. καὶ τοῦτο πρόσχημα ποιούμενος
οἴεται πολλοὺς ὑμῶν, δεδιότας μὴ λύσητε
38 τὰς συνθήκας, αὐτοῦ ἀποψηφιεῖσθαι. ὡς οὖν
οὐδὲν προσήκει Ἀνδοκίδῃ τῶν συνθηκῶν, περὶ
τούτου λέξω, οὔτε μὰ τὸν Δία τῶν πρὸς Λακεδαιμονίους,
ἃς ὑμεῖς συνέθεσθε, οὔτε ὧν[1] πρὸς τοὺς
ἐν [τῷ][2] ἄστει οἱ ἐκ Πειραιῶς. οὐδενὶ γὰρ ἡμῶν
τοσούτων ὄντων τὰ αὐτὰ ἁμαρτήματα οὐδ᾽ ὅμοια
ἦν τοῖς Ἀνδοκίδου, ὥστε καὶ τοῦτον ἡμῶν ἀπολαῦσαι.
39 ἀλλ᾽ οὐ μὲν δὴ ἕνεκά γε τούτου διαφερόμενοι,
ἐπειδὴ καὶ τούτῳ μετέδομεν τῶν συνθηκῶν,
τότε διηλλάγημεν. οὐ γὰρ ἕνεκα ἑνὸς ἀνδρὸς ἀλλ᾽
ἕνεκα ἡμῶν τῶν ἐξ ἄστεως καὶ ἐκ Πειραιῶς αἱ
συνθῆκαι ἐγένοντο καὶ οἱ ὅρκοι, ἐπεί τοι δεινὸν
ἂν εἴη, εἰ περὶ Ἀνδοκίδου ἀποδημοῦντος αὐτοὶ
ἐνδεεῖς ὄντες ἐπεμελήθημεν, ὅπως ἐξαλειφθείη
40 αὐτῷ τὰ ἁμαρτήματα. ἀλλὰ Λακεδαιμόνιοι γὰρ
ἐν ταῖς πρὸς αὐτοὺς συνθήκαις ἐπεμελήθησαν Ἀνδοκίδου,
ὅτι ἔπαθον ἀγαθόν τι ὑπ᾽ αὐτοῦ· ἀλλ᾽ ὑμεῖς
ἐπεμελήθητέ γε αὐτοῦ; ἀντὶ ποίας εὐεργεσίας;
ὅτι πολλάκις δι᾽ ὑμᾶς ὑπὲρ τῆς πόλεως ἐκινδύνευσεν;
41 οὐκ ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, τούτῳ
ἀληθὴς αὕτη ἡ ἀπολογία, μηδ᾽ ὑμεῖς ἐξαπατᾶσθε.
οὐ γὰρ τοῦτο λύειν ἐστὶ τὰ συγκείμενα, εἰ Ἀνδοκίδης
ἕνεκα τῶν ἰδίων ἁμαρτημάτων δίδωσι
δίκην, ἀλλ᾽ ἐάν τις ἕνεκα τῶν δημοσίων συμφορῶν
ἰδίᾳ τινὰ τιμωρῆται.

42 Ἴσως οὖν καὶ Κηφισίου ἀντικατηγορήσει, καὶ

[1] ὧν Reiske: τῶν mss.

[2] τῷ del. Pertz.

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[a] The treaties for pacification and amnesty made on the restoration of the democracy in 403 B.C.

fence that the agreements[a] hold for him in just the same way as for the rest of the Athenians; and on the strength of this pretext he supposes that many of you, in fear of breaking the agreements, will absolve him. I will therefore explain how Andocides has no part in those agreements,—not only those, I aver, which you made with the Lacedaemonians, but also those which the men of the Piraeus made with the party of the town. For not one amongst us all had committed the same offences, or anything like the same, as Andocides, whence he might be able to make us serve his turn. But of course, as it was not on his account that we were divided, we did not wait to include him under the terms of the agreements before we came to a reconciliation. It was not for the sake of a single man, but for the sake of us, the people of the town and of the Piraeus, that the agreements were made and the oaths taken; for surely it would be an extraordinary thing if we in our want had taken so much care of Andocides, an absentee, as to have his offences expunged. Yet it may be said that the Lacedaemonians, in the agreements made with them, took care of Andocides because of some benefit that they had received from him; but did you take care of him? For what sort of good service? Because he has often risked danger on your account, in aid of the city? There is no truth, men of Athens, in this defence of his; do not let yourselves be deceived. You have a breach of the agreements, not if Andocides is punished for his private offences, but if private requital is exacted from a man on account of public misfortunes.

Perhaps, then, he will bring a counter-accusation against Cephisius, and he will have plenty to say;

ἕξει ὅ τι λέγῃ· τὰ γὰρ ἀληθῆ χρὴ λέγειν. ἀλλ᾿
ὑμεῖς οὐκ ἂν δύναισθε τῇ αὐτῇ ψήφῳ τόν τε ἀπολογούμενον
καὶ τὸν κατηγοροῦντα κολάσαι. ἀλλὰ
νῦν μὲν περὶ τούτου καιρός ἐστι γνῶναι τὰ δίκαια,
[107] ἕτερος δὲ ἥξει Κηφισίῳ καὶ ἡμῶν ἑκάστῳ, ὧν
οὗτος νῦν μεμνήσεται. μὴ οὖν καὶ δι᾿ ἑτέραν
ὀργὴν τούτου ἀδικοῦντος νῦν ἀποψηφίσησθε.

43 Ἀλλὰ λέξει ὅτι μηνυτὴς ἐγένετο καὶ ἕτερος
οὐδεὶς ὑμῖν ἐθελήσει μηνύειν, ἐὰν κολάζητε.
Ἀνδοκίδης δὲ ἔχει τὰ μήνυτρα παρ᾿ ὑμῶν, σώσας
τὴν αὑτοῦ ψυχὴν ἑτέρων διὰ ταῦτα ἀποθανόντων.
τῆς μὲν οὖν σωτηρίας ὑμεῖς τούτῳ αἴτιοί ἐστε, τῶν
δὲ κακῶν τῶνδε καὶ τῶν κινδύνων αὐτὸς ἑαυτῷ,
παραβὰς τὰ δόγματα καὶ τὴν ἄδειαν ἐφ᾿ ᾗ μηνυτὴς
44 ἐγένετο. οὔκουν ἐξουσίαν χρὴ ποιεῖν τοῖς μηνυταῖς
ἀδικεῖν (ἀρκεῖ γὰρ τὰ πεποιημένα), ἀλλὰ
παραβαίνοντας κολάζειν. καὶ οἱ μὲν ἄλλοι μηνυταί,
ὁπόσοι ἐπ᾿ αἰσχραῖς αἰτίαις ἐξεληλεγμένοι
σφᾶς αὐτοὺς ἐμήνυσαν, ἓν γοῦν ἐπίστανται, μὴ
ἐνοχλεῖν τοῖς ἠδικημένοις, ἡγούμενοι ἀποδημοῦντες
μὲν Ἀθηναῖοι καὶ ἐπίτιμοι δόξειν εἶναι, ἐπιδημοῦντες
δὲ παρὰ τοῖς πολίταις τοῖς ἠδικημένοις πονηροὶ
45 δόξειν καὶ ἀσεβεῖς εἶναι. ὁ γοῦν πάντων πονηρότατος
Βάτραχος πλὴν τούτου, γενόμενος ἐπὶ τῶν
τριάκοντα μηνυτὴς καὶ οὐσῶν αὐτῷ συνθηκῶν καὶ
ὅρκων καθάπερ τοῖς Ἐλευσινόθεν, δείσας ὑμῶν οὓς
ἠδίκησεν, ἐν ἑτέρᾳ πόλει ᾤκει. Ἀνδοκίδης δὲ
καὶ αὐτοὺς τοὺς θεοὺς ἀδικήσας περὶ ἐλάττονος

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[a] 404–403 B.C.

for the truth should be spoken. But you could not, by the same vote, punish both the defendant and the accuser. Now is the moment for a just sentence upon this man; another time will come for Cephisius, and for each of us whom he will now proceed to cite. Do not, therefore, be led by anger against another to absolve now the wrongdoer here before you.

But he will say that he turned informer, and that no one else will be willing to give you information, if you punish him. Yet Andocides has got from you the informer's price, since he has saved his own life while bringing others, for that price, to their death. You are the authors of his salvation, but he is the author of his own present troubles and dangers, for he transgressed the decrees and the terms of impunity on which he turned informer. You ought not to give informers a free licence for wrongdoing, since what is already done is enough: you have rather to punish them for their transgressions. All other informers who, after being convicted on disgraceful charges, have informed against themselves, understand one thing at least,—that they must not molest those whom they have wronged: they feel that while resident abroad they will be accounted Athenians in full possession of their rights, but that residing here among the citizens whom they have wronged they will be regarded as wicked and impious persons. Batrachus, for instance, the most wicked, next to this man, of them all, having turned informer in the time of the Thirty,[a] and being covered by agreements and oaths along with the party at Eleusis, was yet so afraid of those of you whom he had wronged that he made his abode in another city. But Andocides, who has wronged the very gods themselves,

αὐτοὺς ἔθετο, εἰσιὼν εἰς τὰ ἱερά, ἢ Βάτραχος τοὺς ἀνθρώπους. ὅστις οὖν καὶ πονηρότερος καὶ ἀμαθέστερος Βατράχου ἐστί, πάνυ δεῖ ἀγαπητῶς ὑφ' ὑμῶν αὐτὸν σωθῆναι.

46 Φέρε δή, εἰς τί[1] σκεψαμένους χρὴ ὑμᾶς Ἀνδοκίδου ἀποψηφίσασθαι; πότερον ὡς στρατιώτης ἀγαθός; ἀλλ' οὐδεπώποτ' ἐκ τῆς πόλεως ἐστρατεύσατο, οὔτε ἱππεὺς οὔτε ὁπλίτης, οὔτε τριήραρχος οὔτ' ἐπιβάτης, οὔτε πρὸ τῆς συμφορᾶς οὔτε μετὰ τὴν συμφοράν, πλέον ἢ τετταράκοντα ἔτη γεγονώς.
47 καίτοι[2] ἕτεροι φεύγοντες ἐν Ἑλλησπόντῳ συνετριηράρχουν ὑμῖν. ἀναμνήσθητε δὲ καὶ αὐτοὶ ἐξ ὅσων κακῶν καὶ πολέμου ὑμᾶς αὐτοὺς περιεποιήσατε καὶ τὴν πόλιν, πολλὰ μὲν τοῖς σώμασι πονήσαντες, πολλὰ δὲ ἀναλώσαντες χρήματα καὶ ἰδίᾳ καὶ δημοσίᾳ, πολλοὺς δὲ καὶ ἀγαθοὺς τῶν πολιτῶν
48 καταθάψαντες διὰ τὸν γενόμενον πόλεμον. Ἀνδοκίδης δὲ ἀπαθὴς τούτων τῶν κακῶν γενόμενος[3] . . . εἰς τὴν σωτηρίαν τῇ πατρίδι, ἀξιοῖ νυνὶ μετέχειν τῆς πόλεως, ἀσεβῶν ἐν αὐτῇ. ἀλλὰ πλουτῶν γὰρ καὶ δυνάμενος τοῖς χρήμασι καὶ βασιλεῦσιν ἐξενωμένος καὶ τυράννοις—ἃ νυνὶ κομπάσει, ἐπιστάμενος τοὺς ὑμετέρους τρόπους—
49 ποίαν εἰσφορὰν . . . τούτῳ ἀγαθὸν γένοιντο, καὶ ἐπιστάμενος ἐν πολλῷ σάλῳ καὶ κινδύνῳ τὴν πόλιν γενομένην, ναυκληρῶν οὐκ ἐτόλμησεν ἐπαρθεὶς σῖτον εἰσάγων ὠφελῆσαι τὴν πατρίδα. ἀλλὰ

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[1] εἰς τί Markland: εἴ τι MSS.

[2] καίτοι Auger: καὶ MSS.

[3] Post γενόμενος add. οὐδὲν συμβαλόμενος Cobet.

made less account of them by entering their temples than Batrachus did of mankind. He therefore who is both more wicked and more obtuse than Batrachus ought to be only too glad to have his life spared by you.

Pray now, on what consideration ought you to absolve Andocides? As a good soldier? But he has never gone on any expedition from the city, either in the cavalry or in the infantry, either as a ship's captain or as a marine, either before our disaster[a] or after our disaster, though he is more than forty years old. Yet other exiles were captains with you at the Hellespont. Remember from what a load of trouble and warfare you by your own efforts delivered yourselves and the city: many were your bodily labours, many your payments from private and public funds, many the brave citizens whom you buried because of the war that you waged. And Andocides, who suffered none of these troubles <who contributed nothing>[b] to his country's salvation, claims now to take part in the affairs of the city, the scene of his impieties! But with all his wealth, and the power of his possessions, the accepted guest of kings and despots,—so he will now boast, well acquainted as he is with your character,—what sort of contribution <or other aid did he furnish that>[c] might stand to his credit? Knowing that the State was beset by storm and danger he, a seafarer, had not spirit enough to venture to aid the city by importing corn. Why, resident aliens from abroad, just be-

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[a] The victory of the Peloponnesians over the Athenians at Aegospotami in the Hellespont, 405 B.C.

[b] Translating Cobet's restoration of a gap in the text.

[c] Some words denoting other public services appear to have fallen out of the text.

μέτοικοι μὲν καὶ ξένοι ἕνεκα τῆς μετοικίας ὠφέ-
λουν τὴν πόλιν εἰσάγοντες[1]· σὺ δὲ τί καὶ ἀγαθὸν
ποιήσας, ὦ Ἀνδοκίδη, ποῖα ἁμαρτήματα ἀνα-
καλεσάμενος, ποῖα τροφεῖα ἀνταποδοὺς . . .

50 Ἀθηναῖοι, μνήσθητε τὰ πεποιημένα Ἀνδοκίδῃ,
ἐνθυμήθητε δὲ καὶ τῆς ἑορτῆς, δι᾿ ἣν ὑπὸ τῶν
πολλῶν προὐτιμήθητε. ἀλλ᾿ ἐστὲ γὰρ ὑπὸ τῶν
τούτου ἁμαρτημάτων ἤδη καταπλῆγες διὰ τὸ
πολλάκις ἰδεῖν καὶ ἀκοῦσαι, ὥστε οὐδὲ τὰ δεινὰ
ἔτι δεινὰ δοκεῖ ὑμῖν εἶναι. ἀλλὰ προσέχετε τὸν
νοῦν, δοκείτω δ᾿ ὑμῖν ἡ γνώμη ὁρᾶν ἃ οὗτος
51 ἐποίει,[2] καὶ διαγνώσεσθε ἄμεινον. οὗτος γὰρ
ἐνδὺς στολήν, μιμούμενος τὰ ἱερὰ ἐπεδείκνυε τοῖς
ἀμυήτοις καὶ εἶπε τῇ φωνῇ τὰ ἀπόρρητα, τῶν δὲ
θεῶν, οὓς ἡμεῖς [θεοὺς][3] νομίζομεν καὶ θερα-
πεύοντες καὶ ἁγνεύοντες θύομεν καὶ προσευχόμεθα,
τούτους περιέκοψε. καὶ ἐπὶ τούτοις ἱέρειαι καὶ
ἱερεῖς στάντες κατηράσαντο πρὸς ἑσπέραν καὶ φοι-
νικίδας ἀνέσεισαν, κατὰ τὸ νόμιμον τὸ παλαιὸν
52 καὶ ἀρχαῖον. ὡμολόγησε δὲ οὗτος ποιῆσαι. ἔτι δὲ
παρελθὼν τὸν νόμον ὃν ὑμεῖς ἔθεσθε, εἴργεσθαι
τῶν ἱερῶν αὐτὸν ὡς ἀλιτήριον ὄντα, ταῦτα πάντα
βιασάμενος εἰσελήλυθεν ἡμῶν εἰς τὴν πόλιν, καὶ
ἔθυσεν ἐπὶ τῶν βωμῶν ὧν οὐκ ἐξῆν αὐτῷ καὶ
ἀπήντα τοῖς ἱεροῖς περὶ ἃ ἠσέβησεν, εἰσῆλθεν εἰς τὸ
[108] Ἐλευσίνιον, ἐχερνίψατο ἐκ τῆς ἱερᾶς χέρνιβος.

[1] εἰσαγαγών, εἰσαγαγόντες MSS.
[2] ἐποίει Taylor: ποιεῖ MSS.
[3] θεοὺς del. Dobree.

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[a] A page is missing here.

[b] The Mysteries, in which the present judges had been initiated.

[c] *Cf.* the solemn cursing of Alcibiades described by Plu-

cause they were resident aliens, aided the city by such imports. But you, Andocides, what benefit have you actually conferred, what offences have you expiated, what return have you made for your nurture? . . .[a]

Men of Athens, recall the actions of Andocides, and reflect too on the festival[b] which has brought you special honour from the majority of mankind. But indeed you have become so stupefied by now with his offences, from your frequent sight and hearing of them, that monstrous things no longer seem to you monstrous. But apply your minds to the task of making your thought envisage the things that he did, and you will come to a better decision. For this man donned a ceremonial robe, and in imitation of the rites he revealed the sacred things to the uninitiated, and spoke with his lips the forbidden words: those deities whom we worship, and to whom with our devotions and purifications we sacrifice and pray, he mutilated. And for such a deed priestesses and priests stood up and cursed him, facing the west,[c] and shook out their purple vestments according to the ancient and time-honoured custom. He has admitted this action. Moreover, transgressing the law that you made, whereby he was debarred from the temples as a reprobate, he has violated all these restrictions and has entered into our city; he has sacrificed on the altars which were forbidden him, and come into the presence of the sacred things on which he committed his impiety; he has entered into the Eleusinium, and baptized his hands in the

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tarch, *Alcib.* 22. In prayers and vows addressed to the celestial gods the speaker faced the east, but in those addressed to the infernal gods, the west.

53 τίνα χρὴ ταῦτα ἀνασχέσθαι; ποῖον φίλον, ποῖον
συγγενῆ, ποῖον δημότην[1] χρὴ τούτῳ χαρισάμενον
κρύβδην φανερῶς τοῖς θεοῖς ἀπεχθέσθαι; νῦν οὖν
χρὴ νομίζειν τιμωρουμένους καὶ ἀπαλλαττομένους
Ἀνδοκίδου τὴν πόλιν καθαίρειν[2] καὶ ἀποδιοπομπεῖσθαι
καὶ φαρμακὸν ἀποπέμπειν καὶ ἀλιτηρίου
ἀπαλλάττεσθαι, ὡς ἓν τούτων οὗτός ἐστι.

54 Βούλομαι τοίνυν εἰπεῖν ἃ Διοκλῆς ὁ Ζακόρου
τοῦ ἱεροφάντου, πάππος δὲ ἡμέτερος, συνεβούλευσε
βουλευομένοις ὑμῖν ὅ τι δεῖ χρῆσθαι Μεγαρεῖ ἀνδρὶ
ἠσεβηκότι. κελευόντων γὰρ ἑτέρων ἄκριτον παραχρῆμα
ἀποκτεῖναι, παρῄνεσε κρῖναι τῶν ἀνθρώπων
ἕνεκα, ἵνα ἀκούσαντες καὶ ἰδόντες σωφρονέστεροι
οἱ ἄλλοι ὦσι, τῶν δὲ θεῶν ἕνεκα οἴκοθεν ἕκαστον,
ἃ δεῖ τὸν ἀσεβοῦντα παθεῖν, αὐτὸν παρ' ἑαυτῷ
55 κεκρικότα εἰς τὸ δικαστήριον εἰσιέναι. καὶ ὑμεῖς,
ὦ ἄνδρες Ἀθηναῖοι (ἐπίστασθε γὰρ ἃ δεῖ ποιῆσαι),
μὴ ἀναπεισθῆτε ὑπὸ τούτους. φανερῶς ἔχετε αὐτὸν
ἀσεβοῦντα· εἴδετε, ἠκούσατε τὰ τούτου ἁμαρτήματα.
ἀντιβολήσει καὶ ἱκετεύσει ὑμᾶς· μὴ ἐλεεῖτε. οὐ
γὰρ οἱ δικαίως ἀποθνῄσκοντες ἀλλ' οἱ ἀδίκως
ἄξιοί εἰσιν ἐλεεῖσθαι.

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[1] δημότην Blass: δικαστὴν MSS.

[2] Post καθαίρειν in libris ἀρὰν ἀπάγεσθαι del. Taylor.

holy water. Who ought to tolerate these doings? What person, whether friend or relation or townsman, is to incur the open enmity of the gods by showing him secret favour? You should, therefore, consider that to-day, in punishing Andocides and in ridding yourselves of him, you are cleansing the city, you are solemnly purifying it from pollution, you are dispatching a foul scapegoat, you are getting rid of a reprobate; for this man is all of them in one.

And now I would mention the advice that Diocles son of Zacorus the officiating priest, and our grandfather,[a] gave you when you were deliberating on the measures to be taken with a Megarian who had committed impiety. Others urged that he be put to death at once, unjudged; he counselled you to judge him in the interest of mankind, so that the rest of the world, having heard and seen, might be more sober-minded, and in the interest of the gods he bade each of you, before entering the court, judge first at home and in his own heart what should be the fate of the impious. So you, men of Athens,—for you understand what you are bound to do,—must not be perverted by this man. You hold him, caught in the open commission of impiety: you have seen, you have heard his offences. He will beseech and supplicate you: have no pity. For it is not those who justly, but those who unjustly, suffer death that deserve to be pitied.

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[a] It seems likely that the speaker's family belonged to the Eumolpidae or hereditary priesthood of the Mysteries.

VII. BEFORE THE AREOPAGUS: DEFENCE IN THE MATTER OF THE OLIVE-STUMP

INTRODUCTION

A RICH Athenian citizen of unassuming character has been accused, in the first instance, of removing a sacred olive-tree from his farm : but, as the persons who rented from the State the produce of the sacred olives have not given any evidence against the accused, he is now charged before the Council of the Areopagus with the removal of a fenced-in stump of such an olive. The *moriae* or sacred olives all over Attica were supposed to be offshoots of the tree originally planted by Athene on the Acropolis : not only these, but also the stumps of those which had been injured by invaders or by lightning, were fenced about for their preservation, and were regularly inspected by commissioners of the Areopagus, as there was always a chance that they might revive in the manner of the olive in the temple of Athene which shot up again after it had been burnt down by Xerxes.[a] The strict attention given to the matter may be connected with a well-founded belief that, in the dry soil of Attica, trees of any kind were of value to the community.

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[a] Herodotus, viii. 55 ; *cf.* Virgil, *Georg.* ii. 30, 181.

ON THE OLIVE-STUMP

The offence of removing a sacred stump was an impiety punishable in former times by death, but later only by exile and confiscation of property. In this case it is alleged to have been committed at a date which we can fix as 397 B.C., and the trial took place a considerable time (unspecified) after that date. The defendant makes out a good case for his innocence in simple and unemotional language. He has had to leave the quietude of his normal life in order to contend against the malevolence of a venal slanderer, and he gives reasons to show that there has been no sacred olive or stump on his farm since he became its owner (1–11). It is unlikely that he would attempt such a dangerous act when he could not hope to escape detection (12–18); and the accuser, Nicomachus, has produced no witnesses (19–23). Although the accused had plenty of such trees on his other farms, where there was much less risk of detection, he has never been charged by the court's inspectors with the removal of any of them (24–29). He has performed the various public services expected from a good citizen of the wealthier class (30–33); the accuser has declined to take over his slaves for the test of evidence extracted under torture (34–40). It is a heavy penalty that he must suffer if the accusation is believed, but this is a mere assertion which Nicomachus has refused to support by a fair test (41–43).

VII. ΑΡΕΟΠΑΓΙΤΙΚΟΣ
ΠΕΡΙ ΤΟΥ ΣΗΚΟΥ ΑΠΟΛΟΓΙΑ

1 *Πρότερον μέν, ὦ βουλή, ἐνόμιζον ἐξεῖναι τῷ βουλομένῳ,
ἡσυχίαν ἄγοντι, μήτε δίκας ἔχειν μήτε
πράγματα· νυνὶ δὲ οὕτως ἀπροσδοκήτως αἰτίαις καὶ
πονηροῖς συκοφάνταις περιπέπτωκα, ὥστ᾽ εἴ πως
οἷόν τε, δοκεῖ μοι δεῖν καὶ τοὺς μὴ γεγονότας ἤδη
δεδιέναι περὶ τῶν μελλόντων ἔσεσθαι· διὰ γὰρ τοὺς
τοιούτους οἱ κίνδυνοι [οἱ][1] κοινοὶ γίγνονται καὶ τοῖς
2 μηδὲν ἀδικοῦσι καὶ τοῖς πολλὰ ἡμαρτηκόσιν. οὕτω
δ᾽ ἄπορος ὁ ἀγών μοι καθέστηκεν, ὥστε ἀπεγράφην
τὸ μὲν πρῶτον ἐλάαν ἐκ τῆς γῆς ἀφανίζειν, καὶ
πρὸς τοὺς ἐωνημένους τοὺς καρποὺς τῶν μορίων
πυνθανόμενοι προσῇσαν· ἐπειδὴ δ᾽ ἐκ τούτου τοῦ
τρόπου ἀδικοῦντά με οὐδὲν εὑρεῖν ἐδυνήθησαν, νυνί
με σηκόν <φασιν>[2] ἀφανίζειν, ἡγούμενοι ἐμοὶ μὲν
ταύτην τὴν αἰτίαν ἀπορωτάτην εἶναι ἀπελέγξαι,[3]
αὐτοῖς δὲ ἐξεῖναι μᾶλλον ὅ τι ἂν βούλωνται λέγειν.
3 καὶ δεῖ με, περὶ ὧν οὗτος ἐπιβεβουλευκὼς ἥκει,
ἅμ᾽ ὑμῖν τοῖς διαγνωσομένοις περὶ τοῦ πράγματος
ἀκούσαντα[4] καὶ περὶ τῆς πατρίδος καὶ περὶ τῆς*

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[1] *οἱ* del. Stephanus.

[2] *φασιν* add. Reiske.

[3] *ἀπελέγξαι* Westermann: *ἀποδεῖξαι* MSS.

[4] *ἅμ᾽ . . . ἀκούσαντα* Sauppe: *ἀλλ᾽ . . ἀκούσαντας, ἐν . . . ἀκούσασι* MSS.

VII. BEFORE THE AREOPAGUS: DEFENCE IN THE MATTER OF THE OLIVE-STUMP

Heretofore, gentlemen of the Council, I thought it possible for a person who so desired to avoid both law-suits and anxieties by leading a quiet life; but now I find myself so unexpectedly embarrassed with accusations and with nefarious slanderers that, if such a thing could be, I conceive that even those who are yet unborn ought now to be feeling alarmed for what is in store for them, since the conduct of these men brings as great a share of danger upon those who have done no wrong as upon those who are guilty of many offences. And this trial has been made specially perplexing for me, because at first I was indicted for clearing away an olive-tree from my land, and they went and made inquiry of the men who had bought the produce of the State olives; but having failed by this method to find that I have done anything wrong, they now say it is an olive-stump that I cleared away, judging that for me this is a most difficult accusation to refute, while to them it allows more freedom to make any statement that they please. So I am obliged, on a charge which this man has carefully planned against me before coming here, and which I have only heard at the same moment as you who are to decide on the case, to defend myself against the loss of my native land

οὐσίας ἀγωνίσασθαι. ὅμως δὲ πειράσομαι ἐξ ἀρχῆς
ὑμᾶς διδάξαι.

4 Ἦν μὲν γὰρ τοῦτο Πεισάνδρου τὸ χωρίον, δημευθέντων
δὲ τῶν ὄντων[1] ἐκείνου Ἀπολλόδωρος
ὁ Μεγαρεὺς δωρειὰν παρὰ τοῦ δήμου λαβὼν τὸν
μὲν ἄλλον χρόνον ἐγεώργει, ὀλίγῳ δὲ πρὸ τῶν
τριάκοντα Ἀντικλῆς παρ' αὐτοῦ πριάμενος ἐξεμίσθωσεν·
ἐγὼ δὲ παρ' Ἀντικλέους εἰρήνης οὔσης
5 ὠνοῦμαι.[2] ἡγοῦμαι τοίνυν, ὦ βουλή, ἐμὸν ἔργον
ἀποδεῖξαι ὡς ἐπειδὴ τὸ χωρίον ἐκτησάμην, οὔτ'
ἐλάα οὔτε σηκὸς ἐνῆν ἐν αὐτῷ. νομίζω γὰρ τοῦ
μὲν προτέρου χρόνου, οὐδ' εἰ πάλαι ἐνῆσαν μορίαι,
οὐκ ἂν δικαίως ζημιοῦσθαι· εἰ γὰρ μὴ δι' ἡμᾶς
εἰσιν ἠφανισμέναι, οὐδὲν προσήκει περὶ τῶν
ἀλλοτρίων ἁμαρτημάτων ὡς ἀδικοῦντας κινδυνεύειν.
6 πάντες γὰρ ἐπίστασθε ὅτι <ὁ>[3] πόλεμος
καὶ ἄλλων πολλῶν αἴτιος κακῶν γεγένηται, καὶ τὰ
μὲν πόρρω ὑπὸ Λακεδαιμονίων ἐτέμνετο, τὰ δ'
ἐγγὺς ὑπὸ τῶν φίλων διηρπάζετο· ὥστε πῶς ἂν
δικαίως ὑπὲρ τῶν <τότε>[4] τῇ πόλει γεγενημένων
συμφορῶν ἐγὼ νυνὶ δίκην διδοίην; ἄλλως τε καὶ
7 τοῦτο τὸ χωρίον ἐν τῷ πολέμῳ δημευθὲν ἄπρατον
ἦν πλεῖν ἢ τρία ἔτη. οὐ θαυμαστὸν δ' εἰ τότε τὰς
[109] μορίας ἐξέκοπτον, ἐν ᾧ οὐδὲ τὰ ἡμέτερ' αὐτῶν

[1] δὲ τῶν ὄντων Bekker: τῶν ὄντων δ' MSS.

[2] ὠνοῦμαι Emperius: ὠνούμην MSS.

[3] ὁ add. Dobree.

[4] τότε add. Reiske.

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[a] Peisander was a leader in the revolution of the Four Hundred (411 B.C.), and his property was forfeited on the counter-revolution of the Five Thousand in the same year; Apollodorus was rewarded for taking part in the assassination of Phrynichus, another of the Four Hundred.

and my possessions. Nevertheless I will try to explain the affair to you from the beginning.

This plot of ground belonged to Peisander; but when his property was confiscated, Apollodorus of Megara had it as a gift from the people[a] and cultivated it for some time, until, shortly before the Thirty,[b] Anticles bought it from him and let it out. I bought it from Anticles when peace had been made.[c] So I consider, gentlemen, that my business is to show that, when I acquired the plot, there was neither olive-tree nor stump upon it. For I conceive that in respect of the previous time, even had there been sacred olives of old upon it, I could not with justice be penalized; since if we have had no hand in their clearance, there is no relevance in our being charged as guilty of the offences of others. For you are all aware that, among the numerous troubles that have been caused by the war, the outlying districts were ravaged by the Lacedaemonians,[d] while the nearer were plundered by our friends; so how can it be just that I should be punished now for the disasters that then befell the city? And in particular, this plot of land, as having been confiscated during the war, was unsold for over three years: it is not surprising if they uprooted the sacred olives at a time in which we were unable to safeguard even our

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[b] 404 B.C.

[c] After the fall of the Thirty and on the intervention of Sparta, 403 B.C.

[d] During the Peloponnesian War Pericles kept the people inside Athens, and allowed the Lacedaemonians to devastate Attica, as he knew that the strength of Athens was on the sea, not on the land. "Our friends" may refer to Boeotian and Thessalian troops which aided the Athenians in occasional attacks on the invaders. *Cf.* Thucydides, ii. 14, 19, 22, etc.

φυλάττειν ἐδυνάμεθα. ἐπίστασθε δέ, ὦ βουλή, ὅσοι μάλιστα τῶν τοιούτων ἐπιμελεῖσθε, πολλὰ ἐν ἐκείνῳ τῷ χρόνῳ δασέα ὄντα ἰδίαις καὶ μορίαις ἐλάαις, ὧν νῦν τὰ πολλὰ ἐκκέκοπται καὶ ἡ γῆ ψιλὴ γεγένηται· καὶ τῶν αὐτῶν καὶ ἐν τῇ εἰρήνῃ καὶ ἐν τῷ πολέμῳ κεκτημένων οὐκ ἀξιοῦτε παρ' αὐτῶν, ἑτέρων ἐκκοψάντων, δίκην λαμβάνειν.
8 *καίτοι εἰ τοὺς διὰ παντὸς τοῦ χρόνου γεωργοῦντας τῆς αἰτίας ἀφίετε, ἦ που χρὴ τούς γ' ἐν τῇ εἰρήνῃ πριαμένους ἀφ' ὑμῶν ἀζημίους γενέσθαι.*

9 *Ἀλλὰ γάρ, ὦ βουλή, περὶ μὲν τῶν πρότερον γεγενημένων πολλὰ ἔχων εἰπεῖν ἱκανὰ νομίζω τὰ εἰρημένα· ἐπειδὴ δ' ἐγὼ παρέλαβον τὸ χωρίον, πρὶν ἡμέρας πέντε γενέσθαι, ἀπεμίσθωσα Καλλιστράτῳ,*
10 *ἐπὶ Πυθοδώρου ἄρχοντος· ὃς δύο*[1] *ἔτη ἐγεώργησεν, οὔτε ἰδίαν ἐλάαν οὔτε μορίαν οὔτε σηκὸν παραλαβών. τρίτῳ δὲ ἔτει Δημήτριος οὑτοσὶ εἰργάσατο ἐνιαυτόν· τῷ δὲ τετάρτῳ Ἀλκίᾳ Ἀντισθένους ἀπελευθέρῳ ἐμίσθωσα, ὃς τέθνηκε· κᾆτα*[2] *τρία ἔτη ὁμοίως καὶ Πρωτέας ἐμισθώσατο. καί μοι δεῦρ' ἴτε, μάρτυρες.*

ΜΑΡΤΥΡΕΣ

11 *Ἐπειδὴ τοίνυν ὁ χρόνος οὗτος ἐξῄκει, αὐτὸς γεωργῶ. φησὶ δὲ ὁ κατήγορος ἐπὶ Σουνιάδου ἄρχοντος σηκὸν*[3] *ὑπ' ἐμοῦ ἐκκεκόφθαι. ὑμῖν δὲ μεμαρτυρήκασιν οἱ πρότερον ἐργαζόμενοι καὶ πολλὰ ἔτη παρ' ἐμοῦ μεμισθωμένοι μὴ εἶναι σηκὸν ἐν τῷ χωρίῳ. καίτοι πῶς ἂν τις φανερώτερον*[4]

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[1] *ὃς δύο* Harpocration : *δύο δ'* mss.

[2] *κᾆτα* Meutzner: *ταῦτα* mss.

[3] *σηκὸν* Suidas: *οἶκον* mss.

[4] *φανερώτερον* Contius: *φανερῶς* mss.

personal property. You are aware, gentlemen—especially those of you who have the supervision of such matters,—that many plots at that time were thick with private and sacred olive-trees which have now for the most part been uprooted, so that the land has become bare ; and although the same people have owned these plots in the peace as in the war, you do not think fit to punish them for the uprooting done by others. And yet, if you exculpate those who have cultivated the land throughout the whole period, surely those who bought it in the time of the peace ought to leave your court unpunished.

Well now, gentlemen, although I might speak at length on what had previously occurred, I think these remarks will suffice : but when I took over the plot, after an interval of five days I let it out to Callistratus, in the archonship of Pythodorus[a] : he cultivated it for two years, and had taken over no olive-tree, either private or sacred, nor any olive-stump. In the third year it was worked by Demetrius here for a twelvemonth ; in the fourth I let it to Alcias, a freedman of Antisthenes, who is dead. After that Proteas too hired it in the same state during three years. Now, please step this way, witnesses.

WITNESSES

Well now, since the termination of that time I have cultivated it myself. My accuser says that in the archonship of Souniades[b] an olive-stump was uprooted by me. And the previous cultivators, who rented it from me for a number of years, have testified to you that there was no stump on the plot. I ask you, how

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[a] 404–403 B.C.

[b] 397–396 B.C.

ἐξελέγξειε ψευδόμενον τὸν κατήγορον; οὐ γὰρ
οἷόν τε, ἃ πρότερον μὴ ἦν, ταῦτα τὸν ὕστερον
ἐργαζόμενον ἀφανίζειν.
12 Ἐγὼ τοίνυν, ὦ βουλή, ἐν μὲν τῷ τέως χρόνῳ,
ὅσοι με φάσκοιεν δεινὸν εἶναι καὶ ἀκριβῆ καὶ
οὐδὲν ἂν εἰκῇ καὶ ἀλογίστως ποιῆσαι, ἠγανάκτουν
ἄν, ἡγούμενος μᾶλλον λέγεσθαι <ἢ>[1] ὥς μοι
προσῆκε· νῦν δὲ πάντας ἂν ὑμᾶς βουλοίμην περὶ
ἐμοῦ ταύτην τὴν γνώμην ἔχειν, ἵνα ἡγῆσθέ με
σκοπεῖν <ἄν>,[2] εἴπερ τοιούτοις ἔργοις ἐπεχείρουν,
καὶ ὅ τι κέρδος ἐγίγνετο [τῷ][3] ἀφανίσαντι καὶ
ἥτις ζημία περιποιήσαντι,[4] καὶ τί ἂν λαθὼν διεπραξάμην
καὶ τί ἂν φανερὸς γενόμενος ὑφ' ὑμῶν
13 ἔπασχον. πάντες γὰρ ἄνθρωποι τὰ τοιαῦτα οὐχ
ὕβρεως ἀλλὰ κέρδους ἕνεκα ποιοῦσι, καὶ ὑμᾶς
εἰκὸς οὕτω σκοπεῖν, καὶ τοὺς ἀντιδίκους ἐκ τούτων
τὰς κατηγορίας ποιεῖσθαι, ἀποφαίνοντας ἥτις
14 ὠφέλεια τοῖς ἀδικήσασιν ἐγίγνετο. οὗτος μέντοι
οὐκ ἂν ἔχοι ἀποδεῖξαι οὔθ' ὡς ὑπὸ πενίας ἠναγκάσθην
τοιούτοις ἔργοις ἐπιχειρεῖν, οὔθ' ὡς τὸ
χωρίον μοι διεφθείρετο[5] τοῦ σηκοῦ ὄντος, οὔθ' ὡς
ἀμπέλοις ἐμποδὼν ἦν, οὔθ' ὡς οἰκίας ἐγγύς, οὔθ'
15 ὡς ἐγὼ ἄπειρος τῶν παρ' ὑμῖν κινδύνων. <ἐγὼ δ'>[6]
εἴ τι τοιοῦτον[7] ἔπραττον, πολλὰς ἂν καὶ μεγάλας
ἐμαυτῷ ζημίας γενομένας ἀποφήναιμι· ὃς πρῶτον
μὲν μεθ' ἡμέραν ἐξέκοπτον τὸν σηκόν, ὥσπερ οὐ
πάντας λαθεῖν δέον, ἀλλὰ πάντας Ἀθηναίους
εἰδέναι. καὶ εἰ μὲν αἰσχρὸν ἦν μόνον τὸ πρᾶγμα,
ἴσως ἄν τις τῶν παριόντων ἠμέλησε· νῦν δ' οὐ

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[1] ἢ add. Taylor.

[2] ἂν add. Frohberger.

[3] τῷ del. Dobree.

[4] περιποιήσαντι Kayser: τῷ ποιήσαντι MSS.

could one convict the accuser more patently of lying? For it is not possible that the cultivator who came after cleared away what was not there before.

Now formerly, gentlemen, whenever people declared me to be a shrewd, exact man who would do nothing at random or without calculation, I would take it hard, feeling that these terms were wide of my true character; but now I should be glad if you all held this opinion of me, so that you should expect me, if I did set about such an act as this, to consider what profit I stood to get by clearing away the stump, and what loss by preserving it, what I should have achieved if I went undetected, and what I should suffer at your hands if I were exposed. For in every case such acts are done, not for mere mischief, but for profit; and that is the proper direction for your inquiry, and the prosecution should make that the basis of their accusation, by showing what benefit accrued to the wrongdoers. Yet this man is quite unable to show either that I was compelled by poverty to venture on such an act, or that the plot was declining in value to me while the stump existed, or that it was obstructing vines or close to a building, or that I was unapprised of the dangers awaiting me in your court. And if I had attempted anything of the kind, I should be openly exposed as having incurred many severe penalties; for in the first place, it was daylight when I uprooted the stump,—as though I had not to do it unseen by all, but must let all the Athenians know! If the act had been merely disgraceful, one might perhaps have disregarded the passers-by; but the case

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[5] διεφθείρετο Herwerden: διαφθείρεται MSS.

[6] ἐγὼ δ' add. Frei.

[7] τοιοῦτον Hertlein: τούτων MSS.

περὶ αἰσχύνης ἀλλὰ τῆς μεγίστης ζημίας ἐκινδύνευον.
16 πῶς δ' οὐκ ἂν ἦ ἀθλιώτατος ἀνθρώπων
ἁπάντων, εἰ τοὺς ἐμαυτοῦ θεράποντας μηκέτι
δούλους ἔμελλον ἕξειν ἀλλὰ δεσπότας τὸν λοιπὸν
βίον, τοιοῦτον ἔργον συνειδότας; ὥστε εἰ καὶ τὰ
μέγιστα εἰς ἐμὲ ἐξημάρτανον, οὐκ ἂν οἷόν τε ἦν
δίκην με παρ' αὐτῶν λαμβάνειν· εὖ γὰρ ἂν ᾔδη[1]
ὅτι ἐπ' ἐκείνοις ἦν καὶ ἐμὲ τιμωρήσασθαι καὶ
17 αὐτοῖς μηνύσασιν ἐλευθέροις γενέσθαι. ἔτι τοίνυν,
εἰ τῶν οἰκετῶν[2] παρέστη μοι μηδὲν φροντίζειν,
πῶς ἂν ἐτόλμησα τοσούτων μεμισθωμένων καὶ
ἁπάντων συνειδότων ἀφανίσαι τὸν σηκὸν βραχέος
μὲν κέρδους ἕνεκα, προθεσμίας δὲ οὐδεμιᾶς οὔσης
τῷ κινδύνῳ τοῖς εἰργασμένοις ἅπασι τὸ χωρίον
ὁμοίως προσῆκον εἶναι σῶν τὸν σηκόν ἵν', εἴ τις
αὐτοὺς ᾐτιᾶτο, εἶχον ἀνενεγκεῖν ὅτῳ παρέδοσαν;
νῦν δὲ καὶ ἐμὲ ἀπολύσαντες φαίνονται, καὶ σφᾶς
αὐτούς, εἴπερ ψεύδονται, μετόχους τῆς αἰτίας
[110] 18 καθιστάντες. εἰ τοίνυν καὶ ταῦτα παρεσκευασάμην,
πῶς ἂν οἷός τ' ἦ πάντας πεῖσαι τοὺς παριόντας,
ἢ τοὺς γείτονας, οἳ οὐ μόνον ἀλλήλων ταῦτ' ἴσασιν
ἃ πᾶσιν ὁρᾶν ἔξεστιν, ἀλλὰ καὶ περὶ ὧν ἀποκρυπτόμεθα
μηδένα εἰδέναι, καὶ περὶ ἐκείνων πυνθάνονται;
ἐμοὶ τοίνυν τούτων οἱ μὲν φίλοι οἱ δὲ
19 διάφοροι περὶ τῶν ἐμῶν τυγχάνουσιν ὄντες· οὓς
ἐχρῆν τοῦτον παρασχέσθαι μάρτυρας, καὶ μὴ

[1] ᾔδειν Emperius: ᾔδη Hude: εἰδείην MSS.

[2] οἰκετῶν Scaliger: εἰκότων MSS.

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[a] *Cf.* V. 5.

[b] In non-religious cases, a limit of time might be prescribed

was one of my risking, not disgrace, but the severest penalty. And surely I must have been the most wretched of human creatures if my own servants were to be no longer my slaves, but my masters for the rest of my life, since they would be privy to that act of mine; so that, however great might be their offences against me, I should have been unable to get them punished. For I should have been fully aware that it was in their power at once to be avenged on me and to win their own freedom by informing against me.[a] Furthermore, supposing I had been of a mind to be heedless of my domestics, how should I have dared, when so many persons had rented the plot, and all were acquainted with the facts, to clear away the stump for the sake of a petty profit, while there was no statute of limitations [b] to protect them, so that all who had worked the plot were alike concerned in the preservation of the stump, and hence they would be able, if anyone accused them, to transfer the blame to their successor? But as it is, they have manifestly absolved me,[c] and have thus taken upon themselves a share of the charge in case they are lying. Again, if I had settled this matter by arrangement, how could I have prevailed on all the passers-by, or the neighbours who not only know of each other what is open for all to see, but even get information of what we try to keep hidden from the knowledge of anyone? Now, some of those people are my friends, but others are at feud with me about my property: these persons he ought to have produced as witnesses, instead of merely

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by law beyond which a crime was not chargeable to anyone. *Cf.* Demosthenes, *De Corona*, 269.

[c] By not accusing me for their own exculpation.

μόνον οὕτως τολμηρὰς κατηγορίας ποιεῖσθαι· ὅς
φησιν ὡς ἐγὼ μὲν παρειστήκη, οἱ δ᾽ οἰκέται
ἐξέτεμνον τὰ πρέμνα, ἀναθέμενος δὲ ὁ βοηλάτης
ᾤχετο ἀπάγων τὰ ξύλα.

20 Καίτοι, ὦ Νικόμαχε, χρῆν σε τότε καὶ παρα-
καλεῖν τοὺς παρόντας μάρτυρας, καὶ φανερὸν
ποιεῖν τὸ πρᾶγμα· καὶ ἐμοὶ μὲν οὐδεμίαν ἂν
ἀπολογίαν ὑπέλιπες,[1] αὐτὸς δέ, εἰ μέν σοι ἐχθρὸς
ἦ, ἐν τούτῳ τῷ τρόπῳ ἦσθα ἄν με τετιμωρημένος,
εἰ δὲ τῆς πόλεως ἕνεκα ἔπραττες, οὕτως ἐξελέγξας
οὐκ ἂν ἐδόκεις εἶναι συκοφάντης, εἰ δὲ κερδαίνειν
21 ἐβούλου, τότ᾽ ἂν πλεῖστον ἔλαβες· φανεροῦ γὰρ
ὄντος τοῦ πράγματος οὐδεμίαν ἄλλην ἡγούμην
ἂν εἶναί μοι σωτηρίαν ἢ σὲ πεῖσαι. τούτων τοίνυν
οὐδὲν ποιήσας διὰ τοὺς σοὺς λόγους ἀξιοῖς με
ἀπολέσθαι, καὶ κατηγορεῖς ὡς ὑπὸ τῆς ἐμῆς
δυνάμεως καὶ τῶν ἐμῶν χρημάτων οὐδεὶς ἐθέλει
22 σοι μαρτυρεῖν. καίτοι εἰ <ὅτε>[2] φῄς μ᾽ ἰδεῖν τὴν
μορίαν ἀφανίζοντα τοὺς ἐννέα ἄρχοντας ἐπήγαγες
ἢ ἄλλους τινὰς τῶν ἐξ Ἀρείου πάγου, οὐκ ἂν
ἑτέρων ἔδει σοι μαρτύρων· οὕτω γὰρ ἄν σοι
συνῄδεσαν ἀληθῆ λέγοντι, οἵπερ καὶ διαγιγνώσκειν
ἔμελλον περὶ τοῦ πράγματος.

23 Δεινότατα οὖν πάσχω· ὃς εἰ μὲν παρέσχετο μάρ-
τυρας, τούτοις ἂν ἠξίου πιστεύειν, ἐπειδὴ δὲ οὐκ
εἰσὶν αὐτῷ, ἐμοὶ καὶ ταύτην [τὴν][3] ζημίαν οἴεται
χρῆναι γενέσθαι. καὶ τούτου[4] μὲν οὐ θαυμάζω· οὐ
γὰρ δήπου συκοφαντῶν ἅμα[5] τοιούτων τε[6] λόγων

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[1] ὑπέλιπες Franz: ἀπέλιπες MSS.

[2] ὅτε add. Markland.

[3] τὴν del. Bekker.

[4] τούτου Auger: τοῦτο MSS.

[5] ἅμα Bekker: ἄλλα MSS.

[6] τε Bekker: γε MSS.

bringing these hazardous accusations; for he says I stood by while my domestics hewed down the stems and the wagoner loaded up the wood and took it right away.

But surely, Nicomachus, you ought, at the time, both to have called up those who were present as witnesses, and to have exposed the affair: you would then have left me without any defence, while on your own part, if I was your enemy, you would have achieved by this means your vengeance upon me; while if you were acting in the interest of the State, you would in this way have convicted me without being regarded as a slanderer. If you were looking for profit, you would have made the largest then; for, the fact being exposed, I should have decided that my sole deliverance lay in seducing you. Well, you did nothing of the sort, and you expect that your statements will effect my ruin: you put in the plea that owing to my influence and my means there is no one willing to bear you witness. Yet if, when you saw me—as you say—clearing away the sacred olive, you had brought the nine archons on the scene, or some other members of the Areopagus, you would not have had to seek witnesses elsewhere; for then the truth of your statements would have been ascertained by the very persons who were to decide upon the matter.

So he makes my situation most perplexing; for if he had produced witnesses, he might claim that they should be believed, but as he has none, he thinks it is I who should suffer so much detriment from that. And I am not surprised—at him; for, to be sure, in his slanderous proceedings he is not going to be as

ἀπορήσει καὶ μαρτύρων· ὑμᾶς δ' οὐκ ἀξιῶ τὴν
24 αὐτὴν τούτῳ γνώμην ἔχειν. ἐπίστασθε γὰρ ἐν τῷ
πεδίῳ πολλὰς μορίας οὔσας καὶ πυρκαϊὰς ἐν τοῖς
ἄλλοις τοῖς ἐμοῖς χωρίοις, ἅς, εἴπερ ἐπεθύμουν,
πολὺ ἦν ἀσφαλέστερον καὶ ἀφανίσαι καὶ ἐκκόψαι
καὶ ἐπεργάσασθαι, ὅσῳπερ ἧττον τὸ ἀδίκημα πολλῶν
25 οὐσῶν ἔμελλε δῆλον ἔσεσθαι. νῦν δ' οὕτως
αὐτὰς περὶ πολλοῦ ποιοῦμαι ὥσπερ <καὶ τὴν
πατρίδα>[1] καὶ τὴν ἄλλην οὐσίαν, ἡγούμενος περὶ
ἀμφοτέρων τούτων εἶναί μοι τὸν κίνδυνον. αὐτοὺς
τοίνυν ὑμᾶς τούτων μάρτυρας παρέξομαι, ἐπιμελουμένους
μὲν ἑκάστου μηνός, ἐπιγνώμονας[2] δὲ
πέμποντας καθ' ἕκαστον ἐνιαυτόν· ὧν οὐδεὶς πώποτ'
ἐζημίωσέ μ' ὡς ἐργαζόμενον τὰ περὶ τὰς
26 μορίας χωρία. καίτοι οὐ δήπου τὰς μὲν μικρὰς
ζημίας οὕτω περὶ πολλοῦ ποιοῦμαι, τοὺς δὲ περὶ
τοῦ σώματος κινδύνους οὕτω περὶ οὐδενὸς ἡγοῦμαι·
καὶ τὰς μὲν πολλὰς ἐλάας, εἰς ἃς ἐξῆν μᾶλλον
ἐξαμαρτάνειν, οὕτω θεραπεύων φαίνομαι, τὴν δὲ
μορίαν, ἣν οὐχ οἷόν τ' ἦν λαθεῖν ἐξορύξαντα, ὡς
ἀφανίζων νυνὶ κρίνομαι.

27 Πότερον δέ μοι κρεῖττον ἦν, ὦ βουλή, δημοκρατίας
οὔσης παρανομεῖν ἢ ἐπὶ τῶν τριάκοντα;
καὶ οὐ λέγω ὡς τότε δυνάμενος ἢ ὡς νῦν διαβεβλημένος,
ἀλλ' ὡς τῷ βουλομένῳ τότε μᾶλλον
ἐξὸν[3] ἀδικεῖν ἢ νυνί. ἐγὼ τοίνυν οὐδ' ἐν ἐκείνῳ
τῷ χρόνῳ οὔτε τοιοῦτον οὔτε ἄλλο οὐδὲν κακὸν
28 ποιήσας φανήσομαι. πῶς δ' ἄν, εἰ μὴ πάντων
ἀνθρώπων ἐμαυτῷ κακονούστατος ἦ, ὑμῶν οὕτως

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[1] *καὶ* add. Westermann: *τὴν πατρίδα* add. Kayser.

[2] *ἐπιγνώμονας* Harpocration: *γνώμονας* mss.

[3] *ἐξὸν* Auger: *ἐξῆν* mss.

hard up for statements of this sort as he is for witnesses; but you, I trust, will not be in agreement with this man. For you understand that in the plain there are many sacred olives and burnt stumps on my other plots which, had I so desired, it would have been much safer to clear away or cut down or work over, inasmuch as among so many of them the wrongful act was likely to be less evident.

But the fact is that I have as great a regard for them as for my native land and my whole property, realizing that it is the loss of both of these that I have at stake. And you yourselves I shall produce as witnesses to that fact; for you supervise the matter every month, and also send assessors every year, none of whom has ever penalized me for working the ground about the sacred olives. Now surely, when I pay so much regard to those small penalties, I cannot so utterly disregard the perils involved for my person. You find me taking all this care of the many olive-trees upon which I could more freely commit the offence, and I am on my trial to-day for clearing away the sacred olive which it was impossible to dig up unobserved!

And under which government was I better placed for breaking the law, gentlemen,—that of the democracy, or that of the Thirty? I do not mean that I was influential then, or that I am in bad odour now, but that there was a better chance for anyone who wished to commit a crime then than there is at present. Well, you will find that not even in that time did I do anything wrong, either in this or in any other way. And how—except in all the world I were my own most malignant enemy—could I have

ἐπιμελουμένων ἐκ τούτου τὴν μορίαν ἀφανίζειν
ἐπεχείρησα τοῦ χωρίου, ἐν ᾧ δένδρον μὲν οὐδὲ ἕν
ἐστι, μιᾶς δὲ ἐλάας σηκός, ὡς οὗτός φησιν, ἦν,[1]
κυκλόθεν δὲ ὁδὸς περιέχει, ἀμφοτέρωθεν δὲ
γείτονες περιοικοῦσιν, ἄερκτον δὲ καὶ πανταχόθεν
κάτοπτόν ἐστιν; ὥστε τίς ἂν ἀπετόλμησε, τούτων
οὕτως ἐχόντων, ἐπιχειρῆσαι τοιούτῳ πράγματι;
29 δεινὸν δέ μοι δοκεῖ εἶναι ὑμᾶς μέν, οἷς ὑπὸ
τῆς πόλεως τὸν ἅπαντα χρόνον προστέτακται τῶν
μορίων ἐλαῶν ἐπιμελεῖσθαι, μήθ' ὡς ἐπεργαζόμενον[2]
πώποτε ζημιῶσαί <με>[3] μήθ' ὡς ἀφανίσαντα
[111] εἰς κίνδυνον καταστῆσαι, τοῦτον δ' ὃς οὔτε γεωργῶν
ἐγγὺς τυγχάνει οὔτ' ἐπιμελητὴς ᾑρημένος
οὔθ' ἡλικίαν ἔχων εἰδέναι περὶ τῶν τοιούτων,
ἀπογράψαι με ἐκ γῆς[4] μορίαν ἀφανίζειν.

30 Ἐγὼ τοίνυν δέομαι ὑμῶν μὴ τοὺς τοιούτους λόγους
πιστοτέρους ἡγήσασθαι τῶν ἔργων, μηδὲ περὶ
ὧν αὐτοὶ σύνιστε, τοιαῦτ'[5] ἀνασχέσθαι τῶν ἐμῶν
ἐχθρῶν λεγόντων, ἐνθυμουμένους καὶ ἐκ τῶν εἰρημένων
31 καὶ ἐκ τῆς ἄλλης πολιτείας. ἐγὼ γὰρ
τὰ ἐμοὶ προστεταγμένα ἅπαντα προθυμότερον πεποίηκα
<ἢ>[6] ὡς ὑπὸ τῆς πόλεως ἠναγκαζόμην, καὶ
τριηραρχῶν καὶ εἰσφορὰς εἰσφέρων καὶ χορηγῶν
καὶ τἆλλα λῃτουργῶν οὐδενὸς ἧττον πολυτελῶς
32 τῶν πολιτῶν. καίτοι ταῦτα μὲν μετρίως ποιῶν
ἀλλὰ μὴ προθύμως οὔτ' ἂν περὶ φυγῆς οὔτ' ἂν
περὶ τῆς ἄλλης οὐσίας ἠγωνιζόμην, πλείω δ' ἂν
ἐκεκτήμην, οὐδὲν ἀδικῶν οὐδ' ἐπικίνδυνον ἐμαυτῷ
καταστήσας τὸν βίον· ταῦτα δὲ πράξας, ἃ οὗτός

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[1] ἦν Meutzner: εἶναι mss.

[2] ἐπεργαζόμενον Stephanus: ἀπεργαζόμενον mss.

[3] με add. Meutzner.

[4] ἐκ γῆς Jacobs: ἐγγὺς mss.

attempted, with you supervising as you do, to clear away the sacred olive from this plot; in which there is not a single tree, but there was, as he says, a stump of one olive; where a road skirts the plot all round, and neighbours live about it on both sides, and it is unfenced and open to view from every point? So who would have been so foolhardy, in these circumstances, as to attempt such a proceeding? And I feel it is extraordinary that you, whom the city has charged with the perpetual supervision of the sacred olives, have never either punished me for working over one of them nor brought me to trial for having cleared one away, and that now this man, who, as it happens, is neither farming near me nor has been appointed a supervisor nor is of an age to know about such matters, should have indicted me for clearing away a sacred olive from the land.

I beg you, therefore, not to consider such statements more credible than the facts, nor to tolerate such assertions from my enemies about matters of which you are personally cognizant: let your reflections be guided by what I have told you and by the whole tenor of my citizenship. For I have performed all the duties laid upon me with greater zeal than the State required: alike in equipping a warship, in contributing to war funds, in producing drama, and in the rest of my public services, my munificence was equal to that of any other citizen. Yet, if I had done these things but moderately and without that zeal, I should not be struggling to save myself at once from exile and from the loss of all my property, but should have increased my possessions without incurring guilt or imperilling my life: whereas, had

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[5] τοιαῦτ' Lipsius: ταῦτ' MSS. [6] ἢ add Taylor.

μου κατηγορεῖ, ἐκέρδαινον μὲν οὐδέν, ἐμαυτὸν δ'
33 εἰς κίνδυνον καθίστην. καίτοι πάντες ἂν ὁμολογήσαιτε
δικαιότερον εἶναι τοῖς μεγάλοις χρῆσθαι
τεκμηρίοις περὶ τῶν μεγάλων, καὶ πιστότερα
ἡγεῖσθαι περὶ ὧν ἅπασα ἡ πόλις μαρτυρεῖ, μᾶλλον
ἢ περὶ ὧν μόνος οὗτος κατηγορεῖ.
34 Ἔτι τοίνυν, ὦ βουλή, ἐκ τῶν ἄλλων σκέψασθε.
μάρτυρας γὰρ ἔχων[1] αὐτῷ προσῆλθον, λέγων ὅτι
μοι πάντες <ἔτι>[2] εἰσὶν οἱ θεράποντες, οὓς ἐκεκτήμην
ἐπειδὴ παρέλαβον τὸ χωρίον, καὶ ἕτοιμός
εἰμι,[3] εἴ τινα βούλοιτο, παραδοῦναι βασανίζειν,
ἡγούμενος οὕτως ἂν τὸν ἔλεγχον ἰσχυρότερον γενέσθαι
τῶν τούτου λόγων καὶ τῶν ἔργων τῶν ἐμῶν.
35 οὗτος δ' οὐκ ἤθελεν, οὐδὲν φάσκων πιστὸν εἶναι
τοῖς θεράπουσιν. ἐμοὶ δὲ δοκεῖ <θαυμαστὸν>[4]
εἶναι, εἰ περὶ αὐτῶν μὲν οἱ βασανιζόμενοι κατηγοροῦσιν,
εὖ εἰδότες ὅτι ἀποθανοῦνται, περὶ δὲ τῶν
δεσποτῶν, οἷς πεφύκασι κακονούστατοι, μᾶλλον
ἂν ἕλοιντο[5] ἀνέχεσθαι βασανιζόμενοι ἢ κατειπόντες
36 ἀπηλλάχθαι τῶν παρόντων κακῶν. καὶ
μὲν δή, ὦ βουλή, φανερὸν οἶμαι εἶναι πᾶσιν[6] ὅτι,
εἰ Νικομάχου ἐξαιτοῦντος τοὺς ἀνθρώπους μὴ
παρεδίδουν, ἐδόκουν ἂν ἐμαυτῷ συνειδέναι· ἐπειδὴ
τοίνυν ἐμοῦ παραδιδόντος οὗτος παραλαβεῖν οὐκ
ἤθελε, δίκαιον καὶ περὶ τούτου τὴν αὐτὴν γνώμην
σχεῖν, ἄλλως τε καὶ τοῦ κινδύνου οὐκ ἴσου ἀμφοτέροις
37 ὄντος. περὶ ἐμοῦ μὲν γὰρ εἰ ἔλεγον ἃ
οὗτος ἐβούλετο,[7] οὐδ' ἂν ἀπολογήσασθαί μοι ἐξ-

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[1] γὰρ ἔχων Reiske: παρέχων mss.

[2] ἔτι add. Westermann.

[3] εἰμι Scheibe: ἤμην mss.

[4] θαυμαστὸν add. Stephanus.

[5] ἕλοιντο Rauchenstein: εἵλοντο mss.

I done what this man accuses me of doing, I stood to make no profit, but only to endanger myself. Surely you will all acknowledge that it is fairer to judge important issues by important proofs, and to give more credit to the testimony of the whole city than to the accusations of this single person.

And further, gentlemen, take note of the other events in the case. I went with witnesses to see him, and said that I still had the servants that I owned when I took over the plot, and was ready to deliver any that he wished to the torture, thinking that this would put his statements and my acts to stronger test. But he declined, asserting that no credit could be given to servants. To my mind it is surprising that, when put to the torture on their own account, they accuse themselves, in the certain knowledge that they will be executed, but when it is on account of their masters, to whom they naturally have most animosity, they can choose rather to endure the torture than to get release from their present ills by an incrimination! Nay, in truth, gentlemen, I think it is manifest to all that, had I refused to deliver the men at Nicomachus's request, I should be considered conscious of my guilt[a]; so, since he declined to accept them when I offered to deliver them, it is fair to form the same opinion regarding him, especially as the danger is not equal for us both. For if they had made the statements about me that he desired, I should not even have had a chance of

[a] The offer of one's slaves for the extraction of evidence under torture was generally presumed to be a sign of one's innocence.

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[6] οἶμαι εἶναι πᾶσιν Hude: εἶναι εἰπεῖν mss.

[7] ἃ οὗτος ἐβούλετο post ὡμολόγουν mss.: transp. Bekker.

εγένετο· τούτῳ δ' εἰ μὴ ὡμολόγουν, οὐδεμιᾷ ζημίᾳ
ἔνοχος ἦν. ὥστε πολὺ μᾶλλον τοῦτον παραλαμ-
βάνειν ἐχρῆν ἢ ἐμὲ παραδοῦναι προσῆκεν.[1] ἐγὼ
τοίνυν εἰς τοῦτο προθυμίας ἀφικόμην, ἡγούμενος
μετ' ἐμοῦ εἶναι καὶ ἐκ βασάνων καὶ ἐκ μαρτύρων
καὶ ἐκ τεκμηρίων ὑμᾶς περὶ τοῦ πράγματος
38 τἀληθῆ πυθέσθαι. ἐνθυμεῖσθαι δὲ χρή, ὦ βουλή,
ποτέροις χρὴ πιστεύειν μᾶλλον, οἷς πολλοὶ μεμαρ-
τυρήκασιν ἢ ᾧ μηδεὶς τετόλμηκε, καὶ πότερον εἰκὸς
μᾶλλον τοῦτον ἀκινδύνως ψεύδεσθαι ἢ μετὰ τοσού-
του κινδύνου τοιοῦτον ἐμὲ ἔργον ἐργάσασθαι, καὶ
πότερον οἴεσθε αὐτὸν ὑπὲρ τῆς πόλεως βοηθεῖν
39 ἢ συκοφαντοῦντα αἰτιάσασθαι. ἐγὼ μὲν ‹γὰρ›[2]
ὑμᾶς ἡγοῦμαι νομίζειν ὅτι Νικόμαχος ὑπὸ τῶν
ἐχθρῶν πεισθεὶς τῶν ἐμῶν τοῦτον τὸν ἀγῶνα
ἀγωνίζεται, οὐχ ὡς ἀδικοῦντα ἐλπίζων ἀποδείξειν,
ἀλλ' ὡς ἀργύριον παρ' ἐμοῦ λήψεσθαι προσδοκῶν.
ὅσῳ γὰρ ‹οἱ›[3] τοιοῦτοί εἰσιν ἐπαιτιώτατοι καὶ
ἀπορώτατοι τῶν κινδύνων, τοσούτῳ πάντες αὐτοὺς
40 φεύγουσι μάλιστα. ἐγὼ δέ, ὦ βουλή, οὐκ ἠξίουν,
ἀλλ' ἐπειδήπερ με ᾐτιάσατο, παρέσχον ἐμαυτὸν ὅ
τι βούλεσθε χρῆσθαι, καὶ τούτου ἕνεκα τοῦ κιν-
δύνου οὐδενὶ ἐγὼ τῶν ἐχθρῶν διηλλάγην, οἳ ἐμὲ
ἥδιον[4] κακῶς λέγουσιν ἢ σφᾶς αὐτοὺς ἐπαινοῦσι.
καὶ φανερῶς μὲν οὐδεὶς πώποτε ἐμὲ αὐτὸς[5] ἐπ-
εχείρησε ποιῆσαι κακὸν οὐδέν, τοιούτους δὲ ἐπι-
πέμπουσί μοι, οἷς ὑμεῖς οὐκ ἂν δικαίως πιστεύοιτε.

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[1] προσῆκεν Markland: προσήκει MSS.

[2] γὰρ add. Fuhr.

[3] οἱ add. Reiske.

[4] ἥδιον Taylor: ἤδη MSS.

[5] αὐτὸς Reiske: αὐτὸν MSS.

In prosecutions for impiety. and in certain other cases, the accuser was not subject to the rule that he forfeited 1000

defending myself; while if they had not supported his statements, he was liable to no penalty. It behoved him, therefore, much rather to take them than it suited me to deliver them. For my part, I was so solicitous in the matter, because I felt it was in my favour to have you informed of the truth regarding this matter, at once by torture, by witnesses, and by evidence. And you should consider, gentlemen, which side you ought rather to credit, those for whom many have borne witness, or one for whom nobody has ventured to do so; whether it is more likely that this man is lying, as he can without danger,[a] or that in face of so grave a danger I committed such an act; and whether you think that he is vindicating the cause of the State, or has been plying the slanderer's trade in his accusation.

For I believe it is your opinion that Nicomachus has been prevailed upon by my enemies to conduct this prosecution, not as hoping to establish my guilt, but as expecting to obtain money from me. For precisely as such actions at law are most damaging and perplexing, so everyone is most anxious to avoid them.

But I, gentlemen, disdained that: as soon as he charged me, I placed myself entirely at your disposal, and came to terms with none of my enemies on account of this ordeal, though they take more pleasure in vilifying me than in commending themselves. Not one of them has ever attempted, openly and in his own person, to do me a single hurt; they prefer to set upon me men of this stamp, whom you cannot honestly believe. For I shall be the most

drachmae and some of his civic rights if he failed to get a fifth of the votes of the judges.

41 πάντων γὰρ ἀθλιώτατος ἂν γενοίμην, εἰ φυγὰς ἀδίκως καταστήσομαι, ἄπαις μὲν ὢν καὶ μόνος, [112] ἐρήμου δὲ τοῦ οἴκου γενομένου, μητρὸς δὲ πάντων ἐνδεοῦς <οὔσης>,[1] πατρίδος δὲ τοιαύτης ἐπ' αἰσχίσταις στερηθεὶς αἰτίαις, πολλὰς μὲν ναυμαχίας ὑπὲρ αὐτῆς νεναυμαχηκώς, πολλὰς δὲ μάχας μεμαχημένος, κόσμιον δ' ἐμαυτὸν καὶ ἐν δημοκρατίᾳ καὶ ἐν ὀλιγαρχίᾳ παρασχών.

42 Ἀλλὰ γάρ, ὦ βουλή, ταῦτα μὲν ἐνθάδε οὐκ οἶδ' ὅ τι δεῖ λέγειν· ἀπέδειξα δ' ὑμῖν ὡς οὐκ ἐνῆν σηκὸς ἐν τῷ χωρίῳ, καὶ μάρτυρας παρεσχόμην καὶ τεκμήρια. ἃ χρὴ μεμνημένους διαγιγνώσκειν περὶ τοῦ πράγματος, καὶ ἀξιοῦν παρὰ τούτου πυθέσθαι ὅτου ἕνεκα, ἐξὸν ἐπ' αὐτοφώρῳ ἐλέγξαι, τοσούτῳ χρόνῳ 43 ὕστερον εἰς τοσοῦτόν με κατέστησεν ἀγῶνα, καὶ μάρτυρα οὐδένα παρασχόμενος ἐκ τῶν λόγων ζητεῖ πιστὸς γενέσθαι, ἐξὸν αὐτοῖς τοῖς ἔργοις ἀδικοῦντα ἀποδεῖξαι, καὶ ἐμοῦ ἅπαντας διδόντος τοὺς θεράποντας, οὕς φησι παραγενέσθαι, παραλαβεῖν οὐκ ἤθελεν.

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[1] οὔσης add. Frohberger.

miserable of creatures if I am to be unjustly declared an exile : I am childless and alone, my house would be abandoned, my mother would be in utter penury, and I should be deprived of a native land, that is so much to me, on the most disgraceful of charges,—I who in her defence have engaged in many sea-fights and fought many battles on land, and have shown myself an orderly person under both democracy and oligarchy.

But on these matters, gentlemen, I do not know what call I have to speak in this place. However, I have proved to you that there was no stump on the plot, and I have produced witnesses and evidence : these you should bear in mind when you make your decision on the case, and require this man to inform you why it was that, neglecting to convict me as taken in the act, he has delayed so long in bringing so serious an action against me ; why he seeks to be credited on the strength of his statements, unsupported by a single witness, when the bare facts would have sufficed to establish my guilt ; and why, on my offering all the servants whom he asserts to have been then present, he declined to accept them.

VIII. ACCUSATION OF CALUMNY AGAINST FELLOW-MEMBERS OF A SOCIETY

INTRODUCTION

This curious speech is almost certainly not the work of Lysias. It appears, however, to have been written not very long after his time, and may fairly be regarded as the actual protest of an outraged member of a society which existed, in part at least, for the performance of certain ceremonial duties. Its members also took a joint responsibility in arranging loans and other financial affairs between any two or more of their number. In the present case, the speaker has lent twelve minae to a fellow-member named Polycles, who gave him a sick horse as security. The creditor, discovering the animal's condition, sought to cancel the transaction at once, but was dissuaded by another member, Diodorus, who assured him that he would be repaid in due time. The horse died, and the creditor found that, instead of getting the support of his fellow-members as he had a right to expect, he was told that he had got the horse for his money, and must put up with his loss. He was, in fact, the victim of a trick, and discovered that his fellow-members were his enemies and that he could get no satisfaction. He proceeds therefore to protest against his ill-treatment, principally by taxing the members with continual evil-speaking of each other, which will soon lead to the disruption of the society. He takes the first step towards this by resigning his own membership.

The text of the speech is very uncertain at several points, and the details of the quarrel are left in some obscurity. One point, however, is quite clear,—that this society suffered from a more than ordinary prevalence of backbiting amongst its members.

VIII. ΚΑΤΗΓΟΡΙΑ ΠΡΟΣ ΤΟΥΣ ΣΥΝΟΥΣΙΑΣΤΑΣ ΚΑΚΟΛΟΓΙΩΝ

1 Ἐπιτήδειόν μοι δοκῶ καιρὸν εἰληφέναι περὶ ὧν
εἰπεῖν ἐβουλόμην πάλαι· πάρεισι μὲν γὰρ οἷς ἐπεγκαλῶ,
πάρεισι δὲ ὧν ἐναντίον ἐπιθυμῶ μέμψασθαι
τοῖς ἀδικοῦσιν ἐμέ. καίτοι πολλῷ πλείων ἐστὶ
σπουδὴ πρὸς τοὺς παρόντας· τοὺς μὲν γὰρ ⟨παρ᾽⟩[1]
οὐδὲν οἶμαι τιμήσειν, εἰ τοῖς ἐπιτηδείοις ἀνεπιτήδειοι
δόξουσιν εἶναι (τὴν γὰρ ἀρχὴν οὐδ᾽ ἂν
2 ἐπεχείρουν ἐξαμαρτάνειν εἰς ἐμὲ), τοῖς δὲ βουλοίμην
ἂν δόξαι μηδὲν ἀδικῶν τούτους ὑπὸ τούτων
ἀδικεῖσθαι πρότερον. ἀνιαρὸν μὲν οὖν ἀναγκάζεσθαι
λέγειν περὶ τούτων, ἀδύνατον δὲ μὴ
λέγειν, ὅταν ἐναντίον τῆς ἐλπίδος κακῶς πάσχω
καὶ τοὺς δοκοῦντας εἶναι φίλους ἀδικοῦντας
εὑρίσκω.

3 Πρῶτον μὲν οὖν, ἵνα μή τις ὑμῶν τάχα δὴ βοηθῶν οἷς ἐξημάρτηκε πρόφασιν πορίσηται τῆς ἁμαρτίας, εἰπάτω οὖν τίς ὑμῶν ὑπ᾽ ἐμοῦ κακῶς ἀκήκοεν ἢ πέπονθεν, ἢ τίς ἐμοῦ δεηθεὶς οὐκ ἔτυχεν ὧν ἐγώ τε δυνατὸς ἦ κἀκεῖνος ἐπήγγειλε.—τί δῆτά με κακῶς τὰ μὲν λέγειν τὰ δὲ ποιεῖν ἐπι-

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[1] παρ᾽ add. Emperius.

VIII. ACCUSATION OF CALUMNY AGAINST FELLOW-MEMBERS OF A SOCIETY

It is a suitable opportunity, I consider, that I have taken to deal with matters on which I had long been wishing to speak; for we have here present the persons against whom I have to complain, and those present also before whom I am anxious to reprove the men who have done me wrong. To be sure, one is far more earnest towards men in their presence; for although I suppose that my opponents will count it as nothing to be considered unfriendly by their friends (else they would never have made even a first attempt to offend against me), to the rest I would like to show that I have done no wrong to these men, but that they were beforehand in wronging me. Now of course it is painful to be compelled to speak of these matters; but it is impossible not to speak, when I meet with ill-treatment against my expectation, and find that I am wronged by those whom I took to be friends.

Well then, first of all, so that none of you may perchance defend his faults by scraping up an excuse for his error, let him say who among you has been ill-treated by me in speech or in act, or who has made a request of me without getting what I was able to give as he proposed. Why, I ask, do you endeavour to do me harm, sometimes in word, and sometimes in

4 χειρεῖτε, καὶ ταῦτα πρὸς τούτους ἡμᾶς διαβάλλειν,
οὓς πρὸς ἡμᾶς αὐτοὺς διεβάλλετε; καίτοι οὕτως
ἠνωχλεῖτε,[1] ὥστε περὶ πλείονος ἐποιήσατό ‹τις›[2]
δοκεῖν ἐμοῦ κήδεσθαι, ἢ ἄλλον[3] ἐμοὶ[4] κατειπεῖν.
ἃ δ' ἔλεγε, πάντα μὲν οὐκ ἂν εἴποιμι (καὶ γὰρ
ἀκούων ἠχθόμην) οὐδ' ἂν ὑμῖν ἐπικαλῶν, ὅτι
ἐλέγετε κατ' ἐμοῦ, ταὐτὰ λέξαιμι[5]· καὶ γὰρ ἂν
ἀπολύοιμι τῆς αἰτίας ὑμᾶς, εἴπερ ὑμῖν ταὐτὰ
5 λέγοιμι περὶ ἐμαυτοῦ· ἃ δὲ ὑβρίζειν οἰόμενοι ἐμὲ
καταγελάστους ὑμᾶς αὐτοὺς ἐποιεῖτε, ταῦτα λέξω.
βίᾳ γὰρ ὑμῖν ἐφάσκετέ με ξυνεῖναι καὶ διαλέγεσθαι,
καὶ πάντα ποιοῦντες οὐκ ἔχειν ὅπως ἀπαλλαγῆτέ
μου, καὶ τὸ τελευταῖον ἀκόντων ὑμῶν Ἐλευσῖνάδε
ξυνθεωρεῖν. καὶ ταῦτα λέγοντες οἴεσθε μὲν ἐμὲ
κακολογεῖν, ἀποφαίνετε δὲ σκαιοτάτους ἑαυτούς,
οἵτινες [μὲν][6] ὑπὸ τὸν αὐτὸν χρόνον τὸν αὐτὸν
ἄνδρα λάθρᾳ[7] μὲν ἐλοιδορεῖτε, φανερῶς δὲ φίλον
6 ἐνομίζετε. χρῆν γὰρ ὑμᾶς ἢ μὴ κακῶς λέγειν
ἢ μὴ ξυνεῖναι, καὶ ταῦτα φανερῶς ἀπειπόντας
ὁμιλίαν. εἰ δὲ αἰσχρὸν ἡγεῖσθε τοῦτο, πῶς
αἰσχρὸν ἦν ὑμῖν ξυνεῖναι, πρὸς ὃν οὐδὲ ἀπειπεῖν
7 καλὸν ἡγεῖσθε; καὶ μὴν οὐδὲν αὐτὸς ἐξηῦρον[8]
ὁπόθεν ἂν εἰκότως ὑπερείδετε τὴν ἐμὴν ὁμιλίαν.
οὔτε γὰρ ὑμᾶς σοφωτάτους ἑώρων ὄντας, ἐμαυτὸν δ' ἀμαθέστατον, οὐ μὴν οὐδὲ πολυφίλους ὑμᾶς,
ἐμαυτὸν δ' ἔρημον φίλων, οὐδ' αὖ πλουτοῦντας,
ἐμὲ δὲ πενόμενον, οὐδ' αὖ ὑμᾶς μὲν ὑπερευδοκι-

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[1] ἠνωχλεῖτε Kayser: ἐνοχλεῖ MSS.

[2] τις add. Thalheim.

[3] ἢ ἄλλον Gernet et Bizos: καὶ μᾶλλον MSS.

[4] ἐμοὶ Emperius: ἐμοῦ MSS.

[5] ταὐτὰ λέξαιμι Markland: ταῦτα δόξαιμι MSS.

[6] μὲν del. Bekker.

[7] ἄνδρα λάθρᾳ Reiske: λάθρᾳ ἄνδρα MSS.

deed; and, what is more, to traduce me to these men, whom you traduced to myself? Nay, indeed, you were making so much mischief that one man preferred to appear to be concerned for me rather than have another give me information of it. I could not tell you the whole of what he said—the mere hearing of it was grievous to me—nor, for my protest against your aspersions on me, would I speak in the same terms; for I should be absolving you of my charge against you if I used the same language to you on my own behalf. But I will tell you how, in thinking to do me an outrage, you made yourselves ridiculous. You asserted that it was an intrusion when I associated and talked with you; that despite all your efforts you did not know how to get rid of me; and finally, that it was against your will that you went with me on a mission to Eleusis. In making these statements you think you are defaming me, but you only reveal yourselves as utter dunderheads; for you were covertly abusing the same man whom at the same moment you were openly treating as a friend! You ought to have refrained either from defaming him or from associating with him, and that by an open renunciation of his company. But if you felt that to be dishonourable, how was it dishonourable for you to associate with a man whom you did not even feel it honourable to renounce? And, mark you, I for my part have discovered no ground on which you could reasonably have despised my company. For neither could I see that you were very clever and myself very stupid, nor indeed that you were surrounded with friends and myself destitute of them, nor again that you were wealthy and I poor, nor again that

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[8] αὐτὸς ἐξηῦρον Schott: οὗτος ἐξεῦρεν MSS.

μοῦντας, ἐμαυτὸν δὲ διαβεβλημένον, οὐδὲ τὰ μὲν
ἐμὰ πράγματα κινδυνεύοντα, τὰ δ' ὑμέτερα ἀσφαλῶς
[113] ἔχοντα. πόθεν ἂν οὖν εἰκότως ὑπώπτευον ἄχθεσθαί
8 μοι συνόντι; καὶ ταῦτα δ' ὅτε πρὸς τοὺς τελευταίους
ἔλεγετ' οὐκ[1] ᾤεσθε ἀπαγγελεῖν ἡμῖν, κἀνταῦθα
σόφισμα καλὸν ἡγούμενοι[2] περιήλθετε πάντας[3]
ὑμῶν αὐτῶν κατηγοροῦντες ὅτι πονηροῖς ἑκόντες
ὁμιλεῖτε.

Περὶ μὲν οὖν τοῦ λέγοντος οὐδὲν ἂν περαίνοιτε
πυνθανόμενοι. πρῶτον μὲν γὰρ εἰδότες[4] ἐρήσεσθε
τὸν εἰπόντα μοι· πῶς γὰρ οὐκ ἴστε πρὸς ὃν ἐλέγετε
9 τὸν λόγον; ἔπειτα κακὸς ἂν εἴην, εἰ ταὐτὰ[5] ποιήσαιμι
αὐτὸν ἅπερ ἐκεῖνος ὑμᾶς. οὐ γὰρ ἐπὶ τοῖς
αὐτοῖς ἐκεῖνος ἡμῖν ἀπήγγελλεν, ἐφ' οἷσπερ ὑμεῖς
ἐλέγετε πρὸς ἐκεῖνον. ἐκεῖνος μὲν γὰρ ἐμοὶ χαριζόμενος
ἀπήγγειλε τοῖς ἐμοῖς ἀναγκαίοις, ὑμεῖς
δὲ βλάπτειν ἐμὲ βουλόμενοι πρὸς ἐκεῖνον ἐλέγετε.
καὶ ταῦτα εἰ μὲν ἠπίστουν, ἐξελέγχειν ἂν ἐζήτουν·
νῦν δὲ (ξυμβαίνει γὰρ καὶ ταῦτα τοῖς πρὸ τοῦ, καὶ
10 ἐμοὶ σημεῖα ταῦτα μὲν ἐκείνων ἐστίν, ἐκεῖνα δὲ
τούτων ἱκανά) πρῶτον μὲν ἅπαντα δι' ὑμῶν
πράξαντά με περὶ τῆς θέσεως τοῦ ἵππου πρὸς
Ἡγέμαχον,[6] κάμνοντα τὸν ἵππον ἀνάγειν με
βουλόμενον Διόδωρος οὑτοσὶ ἀποτρέπειν ἐπειρᾶτο,
φάσκων οὐδὲν ἀντιλέξειν περὶ τῶν δώδεκα μνῶν
Πολυκλέα, ἀλλ' ἀποδώσειν. τότε λέγων ταῦτα,
μετὰ τὸν θάνατον τοῦ ἵππου κατέστη τελευτῶν
ἀντίδικος μετὰ τούτων, λέγων ὡς οὐ δίκαιόν με
11 εἴη κομίσασθαι τὸ ἀργύριον. καίτοιγε σφῶν[7] γε

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[1] ὅτε . . . ἐλέγετ' οὐκ Sauppe: ὅτι . . . ἔλεγεν, οὓς mss.

[2] ἡγούμενοι Dobree: εἶναι εἰ mss.

[3] πάντας Sauppe: πάντες mss.

[4] εἰδότες Reiske: εἰπόντες mss.

[5] ταὐτὰ Scaliger: τὰ mss.

you were in particularly good repute and myself in ill odour, nor were my interests in danger and yours in safety. What reasonable ground, then, had I for suspecting that you were annoyed by my association with you? Moreover, when you made these statements to our newest members, you did not expect that they would report them to us, and there you were, supposing it a fine stroke of cleverness to go round accusing yourselves to everyone of consenting to be in the company of evil men!

As to my informant, it would be vain for you to inquire. For, first of all, you know the person who told me, before you ask: how can you not know him, the man to whom you made your statement? In the second place, I should do wrong to deal with him as he did with you. For he had not the same view in reporting it to me as you had in making it to him. He reported it to my relatives out of kindness to me, but you made it to him with the intention of injuring me. And if I disbelieved his words, I should seek to test them: as it is, they tally with the former reports, and I find in them corroboration of those, as those amply corroborated them. So, first of all, dealing entirely through you with Hegemachus about the deposit of the horse, I wished to cancel the transaction as the horse was in a sickly state: Diodorus here tried to dissuade me, asserting that Polycles would make no objection to refunding the twelve minae. So he said at the time; but after the death of the horse he ranged himself in the end with these men as my opponent, saying that I had no right to recover the money. Yet in fact they

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[6] πρὸς Ἡγέμαχον Dobree: προσῆγε μαχόμενον MSS.
[7] σφῶν Dobree: ἐφ' ὧν MSS.

αὐτῶν κατηγόρουν. εἰ γὰρ ἃ μετὰ τούτων ‹ἔπραττον›[1] ἀδικουμένῳ μοι μηδὲν ἦν δίκαιον εἰπεῖν, ἦ που κακῶς[2] συνέπραττον. καὶ ἐγὼ μὲν ᾤμην φιλοσοφοῦντας αὐτοὺς περὶ τοῦ πράγματος ἀντιλέγειν τὸν ἐναντίον λόγον· οἱ δ᾽ ἄρα οὐκ ἀντέλεγον 12 ἀλλ᾽ ἀντέπραττον, καὶ διὰ τοῦτο ἀντέλεγον,[3] ἵνα τὸν ἐμὸν λόγον εἰδείη Πολυκλῆς· ἐδηλώθη γὰρ ταῦτα. παρόντων τῶν διαιτητῶν ὀργιζόμενος[4] ὁ Πολυκλῆς εἶπεν ὅτι καὶ τοῖς ἐμοῖς ἐπιτηδείοις ἀδικεῖν δοκοίην, ὡς πρὸς ἐκεῖνον λέγοιεν. ἆρά γε ταῦτα ξυμβαίνει τοῖς ἀπαγγελλομένοις; ὁ γὰρ αὐτὸς ἀπήγγειλεν ὡς τοὺς ὑπὲρ ἐμοῦ μέλλοντας λέγειν ἀποτρέψειν[5] φάσκοιτε, τοὺς δέ τινας ἤδη κωλύσαιτε.[6] καὶ ταῦτα τί με δεῖ φανερώτερον ἐξελέγχειν ἔτι[7]; φέρε γάρ, ᾔδε ποτ᾽ ἐκεῖνος ὅτι 13 Κλειτοδίκου δεηθεὶς ἐπιλέγειν[8] οὐκ ἔτυχον; οὐ γὰρ δὴ παρῆν τούτοις· ἢ τί[9] κέρδος ἦν αὐτῷ διαβάλλειν ἐμὲ πρὸς ὑμᾶς οὕτω προθύμως, ὥστε σπουδάσαι πρὸς τοὺς ἐμοὺς ἀναγκαίους πλάσασθαι ταῦτα;

14 Γιγνώσκω δὲ νῦν ἤδη καὶ πάλαι ζητοῦντας πρόφασιν, ἡνίκα Θρασύμαχον ὑμᾶς ἐφάσκετε κακῶς λέγειν δι᾽ ἐμέ. καὶ ἐγὼ μὲν ἠρώτων αὐτὸν εἰ δι᾽ ἐμὲ κακῶς λέγοι Διόδωρον· ὁ δὲ τοσοῦτον ὑπερεῖδε τὸ δι᾽ ἐμέ· πολλοῦ γὰρ δεῖν ἔφη δι᾽ ὅντινοῦν εἰρηκέναι Διόδωρον κακῶς. καὶ ταῦτα

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[1] ἔπραττον add. anon. Fritzschii.

[2] κακῶς Gernet et Bizos: καλῶς MSS.

[3] ἀντέλεγον Emperius: ἀντέπραττον MSS.

[4] ὀργιζόμενος Markland: ὁριζόμενος MSS.

[5] ἀποτρέψειν Contius: ἀποτρέπειν MSS.

were merely accusing themselves. For if I had no rightful claim in regard to a wrong suffered through an arrangement shared with them, surely they were wrong in so sharing it. And I also thought it was for the mere theory of the thing that they took up the argument in opposition: but I found they were not arguing but acting against me, and the purpose of their argument was to enable Polycles to know my argument. This became evident: in the presence of the arbitrators Polycles angrily said that even my friends considered that I was in the wrong,—so they told him. Now, does this tally with what was reported to me? My informant himself reported that you declared you would hinder those who intended to speak on my behalf, and had prevented several others already. What need have I to set the proof of these facts in a yet clearer light? I ask you, could that man know that, having asked Cleitodicus to speak next, I was refused? I was told he was not present at the meeting. Then what profit was he seeking, when he was so zealous in getting me into disgrace with you that he busied himself with fabricating such a story for my relatives?

And I observe that not only now, but for a long time past, you have been seeking a pretext; as when you declared that Thrasymachus was defaming you because of me. Well, I asked him if it was because of me that he was defaming Diodorus; and how he disdained that "because of me"! For he said he was far from having defamed Diodorus because of anybody. If I should prefer this charge,

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[6] *κωλύσαιτε* Reiske: *κωλύσετε* MSS. [7] *ἔτι* Reiske: *ὅτι* MSS.

[8] *ἐπιλέγειν* Emperius: *ἐκλέγειν* MSS.

[9] *ἤ τί* Emperius: *ἐπεὶ* MSS.

προσάγοντος ἐμοῦ πρόθυμος ὁ Θρασύμαχος ἦν
15 ἐξελέγχεσθαι, περὶ ὧν οὗτος ἔλεγεν· οὗτος δὲ
πάντ᾿ ἂν[1] μᾶλλον διεπράττετο. μετὰ τοῦτο Αὐτοκράτης
ἐμοῦ παρόντος Θρασυμάχῳ ἔλεγεν Εὐρυπτόλεμον
αὐτῷ μέμφεσθαι, φάσκοντα κακῶς ἀκούειν
ὑπ᾿ αὐτοῦ· τὸν ἀπαγγέλλοντα δὲ εἶναι Μηνόφιλον.
εὐθὺς δ᾿ ἐκεῖνος ἐπὶ τὸν Μηνόφιλον ἐβάδιζε μετ᾿
ἐμοῦ· κἀκεῖνος οὔτε ἀκοῦσαι πώποτε ἔφασκεν
οὔτε ἀπαγγεῖλαι πρὸς Εὐρυπτόλεμον, καὶ οὐ ταῦτα
μόνον, ἀλλ᾿ οὐδὲ διειλέχθαι πολλοῦ χρόνου.
16 τοιαύτας προφάσεις προφασιζόμενοι τότε μὲν ἐκ
τῆς ἐμῆς καὶ Θρασυμάχου συνουσίας ἐστὲ φανεροί,
νῦν δὲ ἐπειδὴ ἐκλελοίπασιν ὑμᾶς αἱ προφάσεις,
ἐλευθεριώτερόν με κακῶσαι λείπετε ἤδη[2] οὐδέν.
χρῆν μὲν οὖν τότε με γιγνώσκειν ὀφειλόμενόν μοι
ταῦτα παθεῖν, ὅτε καὶ πρὸς ἐμὲ περὶ ὑμῶν αὐτῶν
ἐλέγετε[3] κακῶς· ἔπειτα καὶ περὶ Πολυκλέους, ᾧ
17 νυνὶ βοηθεῖτε, πάντ᾿ εἴρηκα πρὸς ὑμᾶς. κατὰ τί
δὴ ταῦτα <οὐκ>[4] ἐφυλαττόμην; εὔηθές τι ἔπαθον.
ᾤμην γὰρ ἀπόθετος ὑμῖν εἶναι φίλος τοῦ μηδὲν
ἀκοῦσαι κακὸν δι᾿ αὐτὸ τοῦτο, διότι πρὸς ἐμὲ τοὺς
ἄλλους ἐλέγετε κακῶς,[5] παρακαταθήκην ἔχων ὑμῶν
[114] παρ᾿ ἑκάστου λόγους πονηροὺς περὶ ἀλλήλων.

18 Ἐγὼ τοίνυν ἑκὼν ὑμῖν ἐξίσταμαι τῆς φιλίας, ἐπεί
τοι μὰ τοὺς θεοὺς οὐκ οἶδ᾿ ὅ τι ζημιωθήσομαι μὴ
ξυνὼν ὑμῖν· οὐδὲ γὰρ ὠφελούμην ξυνών. πότερον
γάρ, ὅταν ᾖ τί μοι πρᾶγμα, τότε ποθέσομαι τὸν
ἐροῦντα καὶ τοὺς μαρτυρήσοντας; καὶ νῦν ἀντὶ
μὲν τοῦ λέγειν ὑπὲρ ἐμοῦ τὸν λέγοντα πειρᾶσθε

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[1] πάντ᾿ ἂν Markland: πάντων, πάντα MSS.

[2] λείπετε ἤδη Scheibe: λείπετε, λέπτιδι MSS.

[3] ἐλέγετε Contius: ἔλεγε MSS.

[4] οὐκ add. Reiske.

[5] κακῶς Foertsch: καὶ MSS.

Thrasymachus was anxious to be put to the test in regard to this man's statements; but to settle it thus was the last thing that the latter would have done. After that Autocrates told Thrasymachus in my presence that Euryptolemus was complaining of him, with the assertion that he was being defamed by him, and that the reporter of this was Menophilus. Immediately Thrasymachus walked over with me to see Menophilus; who asserted that at no time had he either heard it or reported it to Euryptolemus, and what was more, that he had not even talked with him for a long time. Such were the pretexts that you clearly invented then from my association with Thrasymachus; but now that pretexts have failed you, in more straightforward oppression you show that you stop at nothing. I ought indeed to have understood then that this fate was in store for me, when you were actually defaming to me your own members; and then I have told you my whole opinion of Polycles, whom you are now supporting. What can have made me so incautious? It was a fatuous lapse in me. I thought I was a friend of yours who was exempt from all defamation for the very reason that you defamed the others to me, since I held a pledge from each of you,—your malicious statements about one another.

I therefore willingly resign your friendship, since, by Heaven, I cannot see what penalty I shall suffer by not associating with you; for neither did my association with you bring me benefit. Shall I find, when I have some suit, that I feel the lack of a pleader and witnesses? At present, instead of pleading in my defence, you try to prevent anyone

κωλύειν, ἀντὶ δὲ τοῦ βοηθεῖν ἐμοὶ καὶ μαρτυρεῖν
τὰ δίκαια ξύνεστε τοῖς ἐμοῖς ἀντιδίκοις καὶ
19 μαρτυρεῖτε. ἀλλ᾽ ὡς εὖνοι[1] ὄντες ἐμοὶ τὰ βέλτιστα
ἐρεῖτε περὶ ἐμοῦ; ἀλλὰ καὶ νῦν ὑμεῖς με μόνοι[2]
κακῶς λέγετε. τὸ μὲν οὖν ἐμὸν οὐκ ἐμποδὼν
ὑμῖν ἔσται. τοιοῦτον δ᾽ ἄρα[3] πρὸς ὑμᾶς αὐτοὺς
πείσεσθε, ἐπειδή περ ὑμῖν ἔθος ἐστὶν ἕνα τῶν
ξυνόντων ἀεὶ κακῶς λέγειν καὶ ποιεῖν· ἐπειδὰν
ὑμῖν ἐγὼ μὴ ξυνῶ,[4] πρὸς ὑμᾶς αὐτοὺς τρέψεσθε,[5]
κἄπειτα καθ᾽ ἕνα ἕκαστον ὑμῖν αὐτοῖς ἀπεχθήσεσθε,
τὸ δὲ τελευταῖον εἷς ὁ λειπόμενος αὐτὸς
20 αὑτὸν κακῶς ἐρεῖ. κερδανῶ δὲ τοσοῦτον, ὅτι
πρῶτος νῦν[6] ὑμῶν ἀπαλλαγεὶς ἐλάχιστα κακῶς
ὑφ᾽ ὑμῶν πείσομαι· τοὺς μὲν γὰρ χρωμένους ὑμῖν
κακῶς καὶ λέγετε καὶ ποιεῖτε, τῶν δὲ μὴ χρωμένων
οὐδένα πώποτε.

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[1] εὖνοι Reiske: εὔνους MSS.

[2] μόνοι Bekker: μόνον MSS.

[3] δ᾽ ἄρα Thalheim: γὰρ MSS.

[4] μὴ ξυνῶ Markland: μηνύσω, μηνίσω MSS.

[5] τρέψεσθε Markland: τρέπεσθε MSS.

[6] πρῶτος νῦν Thalheim: πρῶτον μὲν MSS.

from doing this, and instead of supporting me and bearing just witness, you associate with my opponents and bear witness for them. Or, as my well-wishers, will you speak the best you can about me? Why, to-day you are the only persons who speak ill of me! Well, for my part I shall not hinder you. And this is what will happen to you among yourselves, since it is your habit to be ever injuring one of your associates in speech and in act: when I have left your association, you will turn against yourselves; then you will conceive a hatred of each one of your number in turn; and finally the last one left will defame himself. And my advantage will be at least this,—that, by being the first to rid myself of you now, I shall suffer the least injury at your hands: for you injure both in speech and in act the people who have to do with you, but never a single one of those who have not.

IX. FOR THE SOLDIER

INTRODUCTION

This speech is the defence of a man named Polyaenus, who has been summoned before the court[a] on a writ of confiscation (ἀπογραφή) for having failed to pay a fine to the Treasury. He explains that after returning home from a campaign he was very soon placed on the list for service again. He protested against the unfairness, but was treated in an insulting manner by the general who had enrolled him: he then discussed the matter with a friend at a banker's in the market-place, and was reported to the generals as having abused them in public. They unlawfully imposed a fine on him for this, but did not try to exact it: at the close of their year of office, however, they gave notice of it to the Treasury clerks, who decided that it had been wrongfully imposed and cancelled it outright. Notwithstanding this decision, he is now sued, more than a year after, as a State debtor, and is threatened with the confiscation of his property and virtual loss of citizenship. The date of the suit is probably to be placed in the Corinthian War (395–386 B.C.).

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[a] Probably an ordinary democratic court of δικασταί presided over by the Eleven, who had special jurisdiction in serious criminal cases, or else by the Syndics, who were magistrates specially appointed in the fourth century to deal with cases involving confiscation of property.

After pleading the provocation given him by the spiteful action of the generals, and the fact that the law only forbids abuse of a magistrate in open court, Polyaenus relies mainly on the point that the fine was cancelled by the Treasury officials, who evidently found that it had been imposed in an irregular way. He adds that the suit is brought by his personal enemies, who are in league with the generals : their enmity is due to the friendship that he had formed with Sostratus, a man of great influence in the State ; and while their bitterness against him is quite in the ordinary course of things, an adverse decision of the court would be ruin to him and a great discredit to the city.

The speech lacks the clear reasoning and simple exposition of Lysias, but it was probably composed for an actual trial of the fourth century. Part of its obscurity is due to the unsound condition of the text.

IX. ΥΠΕΡ ΤΟΥ ΣΤΡΑΤΙΩΤΟΥ

1 Τί ποτε διανοηθέντες οἱ ἀντίδικοι τοῦ μὲν πράγματος
παρημελήκασι, τὸν δὲ τρόπον μου ἐπεχείρησαν
διαβάλλειν; πότερον ἀγνοοῦντες ὅτι περὶ τοῦ
πράγματος προσήκει λέγειν; ἢ τόδε μὲν ἐπίστανται,
ἡγούμενοι δὲ λήσειν περὶ [τοῦ][1] παντὸς πλείω
2 λόγον ἢ τοῦ προσήκοντος ποιοῦνται; ὅτι μὲν οὐκ
ἐμοῦ καταφρονήσαντες ἀλλὰ τοῦ πράγματος τοὺς
λόγους ποιοῦνται, σαφῶς ἐπίσταμαι· εἰ μέντοι
ὑμᾶς οἴονται δι᾽ ἄγνοιαν[2] ὑπὸ τῶν διαβολῶν
πεισθέντας καταψηφιεῖσθαί μου, τοῦτ᾽[3] ἂν θαυμάσαιμι.
3 ᾤμην μὲν οὖν, ὦ ἄνδρες δικασταί, περὶ
τοῦ ἐγκλήματος, οὐ περὶ τοῦ τρόπου τὸν ἀγῶνά
μοι προκεῖσθαι· διαβαλλόντων δέ με τῶν ἀντιδίκων
ἀναγκαῖόν ἐστι περὶ πάντων ‹τὴν›[4] ἀπολογίαν
ποιήσασθαι. πρῶτον μὲν οὖν περὶ τῆς ἀπογραφῆς
ὑμᾶς διδάξω.

4 Ἀφικόμενος προπέρυσιν[5] εἰς τὴν πόλιν, οὔπω
δύο μῆνας ἐπιδεδημηκὼς κατελέγην στρατιώτης.
αἰσθόμενος δὲ τὸ πραχθὲν ὑπετοπούμην εὐθέως
ἐπὶ μηδενὶ ὑγιεῖ κατειλέχθαι. προσελθὼν οὖν

[1] τοῦ del. Markland.

[2] ἄγνοιαν Rauchenstein: εὔνοιαν MSS.

[3] τοῦτ᾽ Markland: οὐκ MSS.

[4] τὴν add. Franz.

[5] προπέρυσιν Reiske: πρότερον MSS.

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[a] Yet, in what follows, we are spared the usual commenda-

IX. FOR THE SOLDIER

What could have been the view of my opponents in disregarding the point at issue, and in seeking to traduce my character? Is it that they are unaware that their business is to speak on that point? Or, though well aware of this, do they consider it will pass unobserved that they have more to state on anything than on what is their business? That those statements are made in a spirit of contempt, not for me, but for the point at issue, I clearly understand: if, however, they suppose that from mere ignorance you will be induced by their aspersions to condemn me, this to me would be a surprise. I did indeed suppose, gentlemen of the jury, that I had to face my trial on the charge preferred, not on my character; but, as my opponents are traducing me, it is necessary to deal with all[a] of their points in my defence. So then, to begin with, I will inform you as to the writ against me.

The year before last, after I had arrived in the city, I had not yet been in residence for two months when I was enrolled as a soldier. On learning what had been done, I at once suspected that I had been enrolled for some improper reason. So I went to the

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tion of the speaker's character. He means, apparently (see the next sentence), the whole story of how he came to be fined.

τῷ στρατηγῷ ἐδήλωσα ὅτι ἐστρατευμένος εἴην,
ἔτυχον δὲ οὐδενὸς τῶν μετρίων. προπηλακιζόμενος
5 δὲ ἠγανάκτουν μέν, ἡσυχίαν δ' εἶχον. ἀπορούμενος
δὲ καὶ συμβουλευόμενός τινι τῶν πολιτῶν
τί χρήσωμαι τῷ πράγματι, ἐπυθόμην ὡς καὶ
δήσειν με ἀπειλοῖεν, λέγοντες ὅτι οὐδὲν ἐλάττω
χρόνον Καλλικράτους Πολύαινος ἐνδημοίη. κἀμοὶ
6 μὲν τὰ προειρημένα διείλεκτο ἐπὶ τῇ Φιλίου
τραπέζῃ· οἱ δὲ μετὰ Κτησικλέους τοῦ ἄρχοντος,
ἀπαγγείλαντός τινος ὡς ἐγὼ λοιδοροῖμι, τοῦ νόμου
ἀπαγορεύοντος ἐάν τις ἀρχὴν ἐν συνεδρίῳ λοιδορῇ,
παρὰ τὸν νόμον ζημιῶσαι ἠξίωσαν. ἐπιβαλόντες
δὲ τὸ ἀργύριον πράξασθαι μὲν οὐκ ἐπεχείρησαν,
ἐξιούσης δὲ τῆς ἀρχῆς γράψαντες εἰς λεύκωμα
7 τοῖς ταμίαις παρέδοσαν. οἵδε μὲν τάδε διεπράξαντο.
οἱ δὲ ταμίαι οὐδὲν ὅμοιον τοῖσδε διανοηθέντες,
ἀνακαλεσάμενοι [δὲ] τοὺς παραδόντας [καὶ][1] τὴν
γραφήν, ἐσκοποῦντο τῆς αἰτίας τὴν πρόφασιν.
ἀκούσαντες δὲ τὸ γεγενημένον, ἐννοούμενοι οἷα
πεπονθὼς ἦν, τὸ μὲν πρῶτον ἔπειθον αὐτοὺς
ἀφεῖναι, διδάσκοντες ὡς οὐκ ἐπιεικὲς εἴη τῶν
[115] πολιτῶν τινας διὰ τὰς ἔχθρας ἀναγράφεσθαι,
ἀποροῦντες δὲ μεταπεῖσαι αὐτούς, τὸν παρ' ὑμῶν
κίνδυνον ὑποστάντες ἄκυρον τὴν ζημίαν ἔκριναν . . .

8 Ὅτι μὲν οὖν ἀφείθην ὑπὸ τῶν ταμιῶν, ἐπίστασθε·

[1] [δὲ] τοὺς παραδόντας [καὶ] Reiske: σὲ τοὺς παρόντας καὶ MSS.

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[a] Whose duty it was to make up lists of citizens of military age, with instructions for specific service, and post them on statues in the market-place.

[b] Apparently Polyaenus had complained that a man named Callicrates, who had not been enlisted, had enjoyed a longer leave at home than himself.

general,[a] and pointed out that I had already served in the army ; but I met with most unfair treatment. I was grossly insulted but, although indignant, I kept quiet. In my perplexity I consulted one of our citizens as to the measures that I should take : I was told that they even threatened to put me in prison, on the ground that " Polyaenus had been as long a time in residence as Callicrates."[b] Now my conversation just mentioned had been held at Philius's bank : yet Ctesicles and his fellow-officers,[c] on a report from somebody that I was abusing them,—although the terms of the law only forbid the abuse of a magistrate at session of his court,—decided unlawfully to punish me. They imposed the fine, but instead of attempting to exact it, at the expiration of their term of office they recorded it on a register which they handed over to the clerks of the Treasury.[d] So much for their operations ; but the clerks of the Treasury, taking a very different view from theirs, demanded an explanation from the persons who had handed over the record, and inquired into the grounds of the charge. Hearing what had occurred, and impressed by the strange treatment I had received, they at first urged them to let me off, pointing out that it was not reasonable that any of our citizens should be registered as public debtors out of personal enmity ; then, failing to dissuade them, they took upon themselves the risk of a trial before you, and ruled that the penalty was null and void. . . .[e]

Well, that I was let off by the Treasury clerks, you

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[c] *i.e.*, the generals, who made the selection of men for military service.

[d] In the temple of Pallas on the Acropolis.

[e] A gap follows in the text, which should show that witnesses were called.

προσήκειν δὲ ἡγούμενος καὶ διὰ ταύτην τὴν ἀπόδειξιν ἀπηλλάχθαι τοῦ ἐγκλήματος, ἔτι πλείονας καὶ νόμους καὶ ἄλλας δικαιώσεις παρασχήσομαι. καί μοι λαβὲ τὸν νόμον.

ΝΟΜΟΣ

9 Τοῦ μὲν νόμου διαρρήδην ἀγορεύοντος τοὺς ἐν
τῷ συνεδρίῳ λοιδοροῦντας ζημιοῦν ἀκηκόατε· ἐγὼ
δ' ὅτι μὲν οὐκ εἰσῆλθον εἰς τὸ ἀρχεῖον, μάρτυρας
παρεσχόμην, ἀδίκως δὲ ζημιωθεὶς οὔτ' ὀφείλω
10 οὔτ' ἐκτεῖσαι δίκαιός εἰμι. εἰ γὰρ φανερός εἰμι
μὴ ἐλθὼν εἰς τὸ συνέδριον, ὁ δὲ νόμος τοὺς ἐντὸς
πλημμελοῦντας ἀγορεύει τὴν ζημίαν ὀφείλειν,
ἠδικηκὼς μὲν οὐδὲν φαίνομαι, ἔχθρᾳ δὲ ἄνευ
τούτου παραλόγως ζημιωθείς. συνέγνωσαν δὲ
11 καὶ αὐτοὶ σφίσιν ὡς ἠδικηκότες· οὔτε γὰρ εὐθύνας
ὑπέσχον, οὔτε εἰς δικαστήριον εἰσελθόντες τὰ
πραχθέντα ψήφῳ κύρια κατέστησαν. εἰ δ' οὖν
ἐζημίωσαν μὲν οἵδε προσηκόντως, ἐκύρωσαν δ' ἐν
ὑμῖν τὴν ἐπιβολήν, τῶν ταμιῶν ἀφέντων εἰκότως
12 ἂν τοῦ ἐγκλήματος ἀπηλλαγμένος εἴην.[1] εἰ μὲν
γὰρ <μὴ>[2] κύριοι ἦσαν πράξασθαι ἢ ἀφεῖναι,
ἐννόμως ζημιωθεὶς εὐλόγως ἂν ὤφειλον· εἰ δ'
ἔξεστι μὲν αὐτοῖς ἀφεῖναι, διδόασι δὲ λόγους[3] ὑπὲρ
ὧν ἂν διαχειρίζωσιν, εἴ τι ἠδικήκασι, τῆς προσηκούσης
ῥᾳδίως δίκης τεύξονται.

[1] ἀπηλλαγμένος εἴην Schott: ἀπηλλαγμένοι εἶεν MSS.

[2] μὴ add. Thalheim.

[3] λόγους Dobree: αὐτοῖς MSS.

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[a] At the investigation of their acts (εὐθύναι held by εὔθυνοι, officials chosen by lot from the tribes), to which all magistrates

now know. But although I consider that merely on the strength of this demonstration I ought to stand cleared of the impeachment, I will put in a yet stronger array both of laws and of other justifications. Now, please, take the law.

Law

You have heard how the law expressly enjoins the punishment of those who utter abuse at a session of the court. But I have produced witnesses to the fact that I did not enter the magistrates' hall, and that, as the fine was unjustly imposed on me, I neither owe it nor in justice ought to pay it. For if it is evident that I did not go into the court, and the law enjoins that the fine is to be due from those who misbehave inside it, it is manifest that I have done no wrong, but because of enmity, and for no such act, have been fined against all reason. They knew in their own hearts that they had done wrong; for they neither submitted their act to investigation,[a] nor went into a law-court to get their proceedings confirmed by a vote. However, supposing they had been correct in imposing a fine on me, and had got the imposition confirmed in your court, I should stand fairly cleared of the impeachment by the release of the Treasury clerks. For if they were not competent to exact or remit it, being lawfully fined I should reasonably owe the payment; but if they have power to remit, subject to rendering an account of their proceedings, they will easily be visited with the proper penalty for any wrong they have done.

had to submit, they omitted this fine, on the ground that the matter had been referred to the Treasury.

13 Ὧι μὲν τρόπῳ παρεδόθην καὶ ἐζημιώθην, ἐπίστασθε·
δεῖ δ' ὑμᾶς μὴ μόνον τοῦ ἐγκλήματος τὴν
αἰτίαν ἀλλὰ καὶ τῆς ἔχθρας τὴν πρόφασιν εἰδέναι.
Σωστράτῳ γὰρ φίλος ἐγενόμην πρότερον μὲν τῆς
τούτων ἔχθρας, εἰδὼς δὲ περὶ τὴν πόλιν ἄξιον
14 λόγου γεγενημένον. γνώριμος δὲ γενόμενος διὰ
τῆς ἐκείνου δυναστείας οὔτ' ἐχθρὸν ἐτιμωρησάμην
οὔτε φίλον ηὐεργέτησα· ζῶντος μὲν γὰρ [διὰ τὴν]
ἀνάγκῃ[1] διὰ τὴν ἡλικίαν ἐσχόλαζον, ἐκλιπόντος
δὲ τὸν βίον οὔτε λόγῳ οὔτε ἔργῳ ἔβλαψα οὐδένα
τῶν κατηγορούντων, ἔχω δὲ καὶ τοιαῦτα εἰπεῖν, ἐξ
ὧν ὠφελοίμην ἂν πολὺ δικαιότερον ὑπὸ τῶν ἀντιδίκων
15 ἢ κακῶς πάσχοιμι. τὴν μὲν οὖν ὀργὴν διὰ
τὰ προειρημένα συνεστήσαντο, προφάσεως οὐδεμιᾶς
πρὸς ἔχθραν ὑπαρχούσης. ὀμόσαντες μὲν
οὖν τοὺς ἀστρατεύτους καταλέξειν παρέβησαν
τοὺς ὅρκους, προὔθεσαν δὲ τῷ πλήθει βουλεύσασθαι[2]
16 περὶ τοῦ σώματος, ζημιώσαντες μὲν ὡς
τὴν ἀρχὴν λοιδοροῦντα, κατολιγωρήσαντες δὲ τοῦ
δικαίου, βιαζόμενοι βλάπτειν ἐξ ἅπαντος [τοῦ][3]
λόγου· πᾶν <δ'>[4] ἂν ἔπραξαν μέλλοντες μεγάλα μὲν
ἐμὲ βλάψειν, πολλὰ δ' ἑαυτοὺς ὠφελήσειν, οἵτινες
οὐδετέρου τούτων ὑπάρχοντος πάντα περὶ ἐλάττονος
17 ποιοῦνται τοῦ ἀδικεῖν.[5] ἀλλὰ γὰρ οἳ[6] κατεφρόνησαν
τοῦ ὑμετέρου πλήθους, οὐδὲ φοβηθῆναι τοὺς θεοὺς
ἠξίωσαν, ἀλλ' οὕτως[7] ὀλιγώρως καὶ παρανόμως
προσηνέχθησαν, ὥστε ἀπολογήσασθαι μὲν περὶ

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[1] διὰ τὴν ἀνάγκην MSS.: καὶ ἀνάγκῃ Emperius.

[2] βουλεύσασθαι Reiske: βουλεῦσαι MSS.

[3] τοῦ del. Dobree.

[4] δ' add. Franz.

[5] ἀδικεῖν Reiske: δικαίου MSS.

[6] οἳ Markland: εἰ MSS.

[7] οὕτως Aldus: οὔτε MSS.

Of the manner in which my name was handed over, and the fine imposed on me, you are now informed: but you must be apprised, not only of the charge preferred, but also of the pretext for this enmity. I had made friends with Sostratus before their enmity began, because I knew he had done remarkable service to the State. I became well-known through his personal influence, but did not make use of it either to avenge myself on an enemy or to serve a friend: for while he lived I was necessarily inactive on account of my age; and when he passed away I injured none of my accusers either in word or in deed, and I can give such an account of myself as will show that in justice I ought much rather to receive benefits than ill-treatment from my opponents. Well, the circumstances that I have mentioned had the effect of accumulating their anger, though they had no real excuse for enmity. And so, having taken their oaths to enrol only those who had not served in the field, they violated those oaths, and then brought my case before the people for decision on a capital charge,[a] after having fined me for abusing the magistrates, and having utterly disregarded the claims of justice: they were exerting themselves to injure me on any sort of plea, and they would have stopped at nothing so long as they could do me grievous injury and also win great advantage for themselves, seeing that when they are sure of neither of these ends they make everything of less account than their injustice. Nay, the men who showed their contempt for the people of your city disdained also to show fear of the gods: so reckless and lawless were their proceedings that they did not

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[a] The penalty being the loss of civic rights consequent on confiscation

τῶν πεπραγμένων οὐδ' ἐπεχείρησαν, τὸ δὲ τελευταῖον, νομίζοντες οὐχ ἱκανῶς με τετιμωρῆσθαι, 18 τὸ πέρας ἐκ τῆς πόλεως ἐξήλασαν. διατεθέντες δὲ οὕτω παρανόμως καὶ βιαίως ἐπικρύψασθαι τὴν ἀδικίαν περὶ οὐδενὸς ἐποιήσαντο, παραγαγόντες δὲ πάλιν περὶ τῶν αὐτῶν ἠδικηκότα με οὐδὲν ἐπιδεικνύουσι καὶ λοιδοροῦσι, τοῖς μὲν ἐμοῖς ἐπιτηδεύμασιν οὐ προσηκούσας διαβολὰς ἐπιφέροντες, τοῖς δ' αὑτῶν τρόποις τὰς οἰκείας καὶ συνήθεις.

19 Οἵδε μὲν οὖν ἐκ παντὸς [τοῦ][1] τρόπου προθυμοῦνταί με τῇ δίκῃ ἁλῶναι· ὑμεῖς δὲ μήτε ταῖς τούτων διαβολαῖς ἐπαρθέντες ἐμοῦ καταψηφίσησθε, μήτε τοὺς βέλτιον καὶ δικαίως βουλευσαμένους ἀκύρους καταστήσητε. οἵδε μὲν γὰρ ἅπαντα καὶ κατὰ τοὺς νόμους καὶ κατὰ τὸ εἰκὸς ἔπραξαν, καὶ ἠδικηκότες μὲν οὐδὲν φαίνονται, λόγον δὲ πλεῖστον 20 τοῦ δικαίου ποιησάμενοι. τούτων μὲν οὖν ἀδικούντων μετρίως [ἂν][2] ἠγανάκτουν, ἡγούμενος τε-[116] τάχθαι τοὺς μὲν ἐχθροὺς κακῶς ποιεῖν, τοὺς δὲ φίλους εὖ· παρ' ὑμῶν δὲ τοῦ δικαίου στερηθεὶς πολὺ ἂν μᾶλλον λυπηθείην. δι' ἔχθραν μὲν γὰρ οὐ δόξω κακῶς πεπονθέναι, διὰ κακίαν δὲ τῆς 21 πόλεως. λόγῳ μὲν οὖν περὶ τῆς ἀπογραφῆς ἀγωνίζομαι, ἔργῳ δὲ περὶ πολιτείας. τυχὼν μὲν γὰρ τῶν δικαίων (πιστεύω δὲ τῇ ὑμετέρᾳ γνώμῃ) μείναιμι ἂν <ἐν>[3] τῇ πόλει· παραχθεὶς[4] δὲ ὑπὸ

[1] τοῦ del. Dobree. [2] ἂν del. Baiter.
[3] ἐν add. Stephanus.
[4] παραχθεὶς Markland: πραχθεὶς MSS.

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[a] He means, by implication, if their suit for the fine should be successful. [b] He refers to the Treasury officials.

even attempt to defend their actions; and finally, considering the revenge that they had taken on me insufficient, they took the last step of expelling me from the city.[a] In this mood of lawless violence they have not cared at all to conceal their injustice, but have summoned me here again on the same charge; and although I have done no wrong, they denounce me and abuse me with a shower of calumnies that have no connexion with the tenor of my life, but are conformable and habitual to their own character.

These persons, then, are endeavouring on any sort of plea to get me cast in this suit. But you must neither be incited by their calumnies to condemn me, nor invalidate the decision of those who have acted on a better, and on a just, consideration.[b] For their action was entirely in accordance with the laws and fair dealing, and it is plain that they have committed no injustice, but made most account of what is just. The injustice of these men only caused me a moderate annoyance, as I considered it ordained that one should harm one's enemies and serve one's friends;[c] but to be deprived of justice at your hands would cause me a far deeper distress. For it will be thought that my evil plight is due, not to enmity, but to an evil condition of the State. Professedly, indeed, I am on trial for the matter[d] of this writ, but actually for my citizenship. If I obtain justice—and I have confidence in your verdict—I may remain in this city; but if the summons of

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[c] This doctrine was accepted by Greek thought as part of the fixed order of things: it appears in Hesiod, *Works and Days* 351, Pindar, *Pyth.* ii. 83, and a saying of Simonides to this effect is taken by Plato as the starting-point of his discussion of justice in *Republic* i. 332.

[d] Namely, confiscation.

τῶνδε εἰ ἀδίκως ἁλοίην, ἀποδραίην ἄν. τίνι γὰρ ἐπαρθέντα ἐλπίδι δεῖ με συμπολιτεύεσθαι, ἢ τί με χρὴ διανοηθέντα, εἰδότα μὲν τῶν ἀντιδίκων τὴν προθυμίαν, ἀποροῦντα δ' ὅθεν χρὴ τῶν δικαίων 22 τινὸς τυχεῖν; περὶ πλείστου οὖν ποιησάμενοι τὸ δίκαιον, καὶ ἐνθυμηθέντες ὅτι καὶ ὑπὲρ τῶν περιφανῶν ἀδικημάτων συγγνώμην ποιεῖσθε, τοὺς μηδὲν ἀδικήσαντας διὰ τὰς ἔχθρας μὴ περιίδητε ἀδίκως τοῖς μεγίστοις ἀτυχήμασι[1] περιπεσόντας.

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[1] ἀτυχήμασι Reiske: ἀδικήμασι MSS.

these men should lead to my unjust conviction, I should run away. For with what hope to bear me up must I mingle with the citizens, or with what purpose in life, when I knew the zeal of my opponents, and could not tell where to look for any of my just rights ? Put justice, therefore, above everything else ; reflect that you grant pardon even for glaring acts of injustice ; and do not allow those who are guilty of no injustice to be unjustly entangled in the greatest misfortunes.

X. AGAINST THEOMNESTUS, I

INTRODUCTION

In this private action Theomnestus is accused of having slandered the speaker by charging him with parricide. Some time before, Theomnestus had been impeached by Lysitheus for speaking in the Assembly after throwing away his shield in battle,—a reproach of cowardice which is familiar to us in Aristophanes [a]: he had been acquitted, and had taken proceedings for perjury against one of Lysitheus's witnesses, Dionysius, who was convicted and disfranchised. The present speaker had been accused of parricide by Theomnestus in the same action, and now prosecutes him for slander, after a preliminary hearing before an arbitrator.

In Athenian law certain defamatory statements were expressly forbidden, and among these were the charges of murder, of beating a parent, and of throwing away one's shield: actions for such defamation, like the present, were heard before an ordinary court.[b] From the speaker's remark about his age in the time of the Thirty (4) we gather that the speech was delivered in 384–383 B.C. His lively argument first dismisses the possibility of his having killed his father (4-5), and then proceeds to his main business of ridiculing the pedantic excuse put forward by Theomnestus for his admitted obloquy,—that the law forbids the use of the word "murdered," and he only said "killed." One might expect, on this principle, to escape punishment for any kind of slander, if only the words actually mentioned in the law are to be punishable (6-9). And so all sorts of quibbles might be allowed in regard to other offences and crimes (10-14). To make the matter still clearer, let us take some of the antiquated words in the laws of Solon : some of these have been abandoned altogether, but we observe the intention of the law none the less (15-20). Theomnestus obtained redress when he had been accused of cowardice in the field : much more should the speaker obtain it, when he has been charged with the awful crime of parricide (21-26). He recalls the valiant services of his father, and contrasts them with the poltroonery of the defendant and his father (27-29). Theomnestus has another excuse,—that he made the charge in the heat of ill-temper : but this cannot be allowed in law (30). The speaker in his youth impeached the Thirty Tyrants : son and father alike deserve a just sentence upon their maligners (31-32).

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[a] *Wasps* 191; *Birds* 290, 1481.

[b] Composed of Athenian citizens serving as δικασταί. The case has been heard first by the Forty, who had to deal with most private suits, and then referred to an official arbitrator (διαιτητής, § 6), from whose decision an appeal is now made to an ordinary court.

The vigour, directness and accomplished ease of the speech proclaim it a genuine and excellent work of Lysias.

X. ΚΑΤΑ ΘΕΟΜΝΗΣΤΟΥ, Α

1 Μαρτύρων μὲν οὐκ ἀπορίαν μοι ἔσεσθαι δοκῶ, ὦ
ἄνδρες δικασταί· πολλοὺς γὰρ ὑμῶν ὁρῶ δικάζοντας
τῶν τότε παρόντων, ὅτε Λυσίθεος Θεόμνηστον
εἰσήγγελλε τὰ ὅπλα ἀποβεβληκότα, οὐκ
ἐξὸν αὐτῷ, δημηγορεῖν· ἐν ἐκείνῳ γὰρ τῷ ἀγῶνι
τὸν πατέρα μ' ἔφασκεν ἀπεκτονέναι τὸν ἐμαυτοῦ.
2 ἐγὼ δ', εἰ μὲν τὸν ἑαυτοῦ με ἀπεκτονέναι ᾐτιᾶτο,
συγγνώμην ἂν εἶχον αὐτῷ τῶν εἰρημένων (φαῦλον
γὰρ αὐτὸν καὶ οὐδενὸς ἄξιον ἡγούμην)· οὐδ' εἴ τι
ἄλλο τῶν ἀπορρήτων ἤκουσα, οὐκ ἂν ἐπεξῆλθον
αὐτῷ (ἀνελευθέρου γὰρ καὶ λίαν φιλοδίκου[1] εἶναι
3 νομίζω κακηγορίας δικάζεσθαι)· νυνὶ δὲ αἰσχρόν
μοι εἶναι δοκεῖ περὶ τοῦ πατρός, οὕτω πολλοῦ
ἀξίου γεγενημένου καὶ ὑμῖν καὶ τῇ πόλει, μὴ τιμωρήσασθαι
τὸν ταῦτ' εἰρηκότα, καὶ παρ' ὑμῶν εἰδέναι
βούλομαι πότερον δώσει δίκην, ἢ τούτῳ
μόνῳ Ἀθηναίων ἐξαίρετόν ἐστι καὶ ποιεῖν καὶ
λέγειν παρὰ τοὺς νόμους ὅ τι ἂν βούληται.

4 Ἐμοὶ γάρ, ὦ ἄνδρες δικασταί, ἔτη ἐστὶ <δύο
καὶ>[2] τριάκοντα, ἐξ ὅτου <δ'>[3] ὑμεῖς κατεληλύθατε,
εἰκοστὸν τουτί. φαίνομαι οὖν τρισκαιδεκέτης ὢν
ὅτε ὁ πατὴρ ὑπὸ τῶν τριάκοντα ἀπέθνησκε.

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[1] ἀνελευθέρου . . . φιλοδίκου Markland: -ον . . . -ον MSS.

[2] δύο καὶ add. Contius.

[3] δ' add. Markland.

X. AGAINST THEOMNESTUS, I

I BELIEVE that I shall not be at a loss for witnesses, gentlemen of the jury; for I see many of you in this place of judgement who were present at the time when Lysitheus was prosecuting Theomnestus for speaking before the people, since he had lost the right to do so by having cast away his armour. Now it was during that trial that he asserted that I had killed my own father. If he accused me of having killed his own, I should forgive him his statement, regarding him as an insignificant and worthless person; nor, if I had heard him apply any other forbidden term to me, should I have taken steps against him, since I consider it a mark of a mean and too litigious person to go to law for slander. But in the present case I feel it would be disgraceful,—as it concerns my father, who has deserved so highly both of you and of the State,—not to take vengeance on the man who has made that statement; and I wish to know from you whether he will be duly punished, or whether he alone of the Athenians has the privilege of doing and saying whatever he pleases in defiance of the laws.

My age, gentlemen, is thirty-two, and your return to the city[a] was nineteen years ago. It will be seen, therefore, that I was thirteen when my father was

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[a] 403 B.C.

ταύτην δὲ ἔχων τὴν ἡλικίαν οὔτε τί[1] ἐστιν ὀλιγαρχία
ἠπιστάμην, οὔτε ἂν ἐκείνῳ ἀδικουμένῳ ἐδυνάμην
5 βοηθῆσαι. καὶ μὲν δὴ οὐκ ὀρθῶς τῶν χρημάτων
ἕνεκα ἐπεβούλευσα <ἂν>[2] αὐτῷ· ὁ γὰρ πρεσβύτερος
ἀδελφὸς Πανταλέων ἅπαντα παρέλαβε, καὶ ἐπιτροπεύσας
ἡμᾶς τῶν πατρῴων ἀπεστέρησεν, ὥστε
πολλῶν ἕνεκα, ὦ ἄνδρες δικασταί, προσήκει μοι
αὐτὸν βούλεσθαι ζῆν. ἀνάγκη μὲν οὖν περὶ
αὐτῶν μνησθῆναι, οὐδὲν δὲ δεῖ πολλῶν λόγων·
σχεδὸν <γὰρ>[3] ἐπίστασθε ἅπαντες ὅτι ἀληθῆ
λέγω. ὅμως δὲ μάρτυρας αὐτῶν παρέξομαι.

ΜΑΡΤΥΡΕΣ

6 Ἴσως τοίνυν, ὦ ἄνδρες δικασταί, περὶ τούτων
μὲν οὐδὲν ἀπολογήσεται, ἐρεῖ δὲ πρὸς ὑμᾶς ἅπερ
ἐτόλμα λέγειν καὶ πρὸς τὸν διαιτητήν, ὡς οὐκ ἔστι
τῶν ἀπορρήτων, ἐάν τις εἴπῃ τὸν πατέρα ἀπεκτονέναι·
τὸν γὰρ νόμον οὐ ταῦτ᾽ ἀπαγορεύειν, ἀλλ᾽
7 ἀνδροφόνον οὐκ ἐᾶν λέγειν. ἐγὼ δὲ οἶμαι ὑμᾶς,
ὦ ἄνδρες δικασταί, οὐ περὶ τῶν ὀνομάτων διαφέρεσθαι
ἀλλὰ τῆς τούτων διανοίας, καὶ πάντας
εἰδέναι, ὅτι ὅσοι <ἀπεκτόνασί τινας, καὶ ἀνδροφόνοι
εἰσί, καὶ ὅσοι>[4] ἀνδροφόνοι εἰσί, καὶ ἀπεκτόνασί
τινας. πολὺ γὰρ ἔργον ἦν τῷ νομοθέτῃ ἅπαντα τὰ
ὀνόματα γράφειν ὅσα τὴν αὐτὴν δύναμιν ἔχει·
8 ἀλλὰ περὶ ἑνὸς εἰπὼν περὶ πάντων ἐδήλωσεν. οὐ
γὰρ δήπου, ὦ Θεόμνηστε, εἰ μέν τίς σε εἴποι

[1] τί Ziel: εἰ MSS.
[2] ἂν add. Markland.
[3] γὰρ add. Reiske.
[4] ἀπεκτόνασί . . . ὅσοι add. Auger.

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[a] The speaker was thus too young either to be implicated in the political murder of his father or to aid in his protection.

put to death by the Thirty. At that age I neither knew what an oligarchy was, nor would have been able to rescue him from the wrong that he suffered.[a] Besides, I could have had no true motive in the monetary way for making designs upon him: for my elder brother Pantaleon took over everything, and on becoming our guardian he deprived us of our patrimony; so that I have many good reasons, gentlemen, for wishing my father alive. Now, although it is necessary to mention those reasons, there is no need to dwell on them at length; for you all know well enough that I am speaking the truth. Nevertheless I will produce witnesses to those facts.

Witnesses

Well, it may be, gentlemen, that he will make no defence on these points, but will state again to you what he had the boldness to say before the arbitrator[b]—that it is not a use of a forbidden word to say that someone has killed his father, since the law does not prohibit that, but does disallow the use of the word "murderer." For my part, gentlemen, I hold that your concern is not with mere words but with their meaning, and that you are all aware that those who have killed someone are murderers, and that those who are murderers have killed someone. For it was too much of a task for the lawgiver to write all the words that have the same effect; but by mentioning one he showed his meaning in regard to them all. For I presume, Theomnestus, you would not go so far, while expecting to get satisfaction from

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[b] At the preliminary trial, which was subject to appeal to a higher court. See Introduction, p. 196, note *b*.

πατραλοίαν ἢ μητραλοίαν, ἠξίους ἂν αὐτὸν ὀφλεῖν
σοι δίκην, εἰ δέ τις εἴποι ὡς τὴν τεκοῦσαν ἢ τὸν
[117] φύσαντα ἔτυπτες, ᾤου ἂν αὐτὸν ἀζήμιον δεῖν
εἶναι ὡς οὐδὲν τῶν ἀπορρήτων εἰρηκότα. ἡδέως
9 γὰρ ἄν σου πυθοίμην (περὶ τοῦτο γὰρ δεινὸς εἶ καὶ
μεμελέτηκας καὶ ποιεῖν καὶ λέγειν)· εἴ τίς σε
εἴποι ῥῖψαι τὴν ἀσπίδα (ἐν δὲ τῷ νόμῳ εἴρηται,[1]
"ἐάν τις φάσκῃ ἀποβεβληκέναι, ὑπόδικον εἶναι"),
οὐκ ἂν ἐδικάζου αὐτῷ ἀλλ' ἐξήρκει ἄν σοι ἐρριφέναι
τὴν ἀσπίδα λέγοντι οὐδέν σοι μέλειν; οὐδὲ
10 γὰρ τὸ αὐτό ἐστι ῥῖψαι καὶ ἀποβεβληκέναι· ἀλλ'
οὐδ' ἂν τῶν ἕνδεκα γενόμενος ἀποδέξαιο, εἴ τις
ἀπάγοι τινὰ φάσκων θοἰμάτιον ἀποδεδύσθαι ἢ τὸν
χιτωνίσκον ἐκδεδύσθαι, ἀλλ' ἀφείης ἂν τὸν αὐτὸν
τρόπον, ὅτι οὐ λωποδύτης ὀνομάζεται. οὐδ' εἴ τις
παῖδα ἐξαγαγὼν ληφθείη, οὐκ ἂν φάσκοις αὐτὸν
ἀνδραποδιστὴν εἶναι, εἴπερ μαχεῖ τοῖς ὀνόμασιν,
ἀλλὰ μὴ τοῖς ἔργοις τὸν νοῦν προσέξεις, ὧν ἕνεκα
11 τὰ ὀνόματα πάντες τίθενται. ἔτι τοίνυν σκέψασθε,
ὦ ἄνδρες δικασταί· οὑτοσὶ γάρ μοι δοκεῖ ὑπὸ
ῥᾳθυμίας καὶ μαλακίας οὐδ' εἰς Ἄρειον πάγον
ἀναβεβηκέναι. πάντες γὰρ ἐπίστασθε ὅτι ἐν
ἐκείνῳ τῷ χωρίῳ, ὅταν τὰς τοῦ φόνου δίκας δικάζωνται,
οὐ διὰ τούτου τοῦ ὀνόματος τὰς διωμοσίας
ποιοῦνται, ἀλλὰ δι' οὗπερ ἐγὼ κακῶς[2] ἀκήκοα· ὁ
μὲν γὰρ διώκων ὡς ἔκτεινε διόμνυται, ὁ δὲ φεύγων
12 ὡς οὐκ ἔκτεινεν. οὐκ οὖν ἄτοπον ἂν εἴη τὸν δρά-

[1] εἴρηται Dobree: εἴρητο MSS. [2] κακῶς Contius: καλῶς MSS.

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[a] Magistrates who had powers of summary arrest and judgement in capital and other serious cases, and also the charge of prisons and executions.

[b] The speaker suggests that Theomnestus's ignorance

a man who called you a father-beater or a mother-beater, as to consider that he should go unpunished for saying that you struck your male or your female parent, because he had spoken no forbidden word! And I should be glad if you would tell me this,—since of this affair you are a past master, both in action and in speech: if a man said that you had cast your shield (in the terms of the law it stands,—" if anyone asserts that a man has thrown it away, he shall be liable to penalty "), would you not prosecute him? Would you be content, if someone said you had cast your shield, to make nothing of it, because casting and throwing away are not the same thing? Nay, if you were one of the Eleven,[a] you would refuse to accept a prisoner arrested on the charge of having pulled off the accuser's cloak or stripped him of his shirt: by that same rule, you would rather let him go, because he was not called a clothes-stealer! Or if somebody were seized for the abduction of a child, you would declare him to be no kidnapper, since your contention will be about words, and you will have no thought to spare for deeds,—the objects for which words are everywhere made! Then, again, consider this, gentlemen,—for I believe that this man, from indolence and enervation, has not even gone up to attend the Areopagus[b]: you all know that in that place, when they try cases of murder, they do not use this term in making the sworn statements, but the one which was used for slandering me; the prosecutor swears that the other party has *killed*, and the defendant that he has not *killed*. Well now, it would be absurd to acquit the doer of the deed when

shows that he has never attended a sitting of the Areopagus, the most august tribunal of Athens.

σαντ' ἀφεῖναι[1] φάσκοντα ἀνδροφόνον εἶναι, ὅτι ὁ
διώκων, ὡς ἔκτεινε, τὸν φεύγοντα διωμόσατο; τί
γὰρ ταῦτα, ὧν οὗτος ἐρεῖ, διαφέρει; καὶ αὐτὸς
μὲν Λυσιθέῳ[2] κακηγορίας ἐδικάσω εἰπόντι σε[3]
ἐρριφέναι τὴν ἀσπίδα. καίτοι περὶ μὲν τοῦ ῥῖψαι
οὐδὲν <ἐν>[4] τῷ νόμῳ εἴρηται, ἐὰν δέ τις εἴπῃ
ἀποβεβληκέναι τὴν ἀσπίδα, πεντακοσίας δραχμὰς
13 ὀφείλειν κελεύει. οὐκ οὖν δεινόν, εἰ ὅταν μὲν δέῃ
σὲ κακῶς ἀκούσαντα τοὺς ἐχθροὺς τιμωρεῖσθαι,
οὕτω τοὺς νόμους ὥσπερ ἐγὼ νῦν λαμβάνεις, ὅταν
δ' ἕτερον παρὰ τοὺς νόμους εἴπῃς κακῶς, οὐκ
ἀξιοῖς δοῦναι δίκην; πότερον οὕτως σὺ δεινὸς εἶ
ὥστε, ὅπως ἂν βούλῃ, οἷός τ' εἶ χρῆσθαι τοῖς
νόμοις, ἢ τοσοῦτον δύνασαι ὥστε οὐδέποτε οἴει
τοὺς ἀδικουμένους ὑπὸ σοῦ τιμωρίας τεύξεσθαι;
14 εἶτ' οὐκ αἰσχύνῃ οὕτως ἀνοήτως διακείμενος, ὥστε
οὐκ ἐξ ὧν εὖ πεποίηκας τὴν πόλιν, ἀλλ' ἐξ ὧν
ἀδικῶν οὐ δέδωκας δίκην, οἴει δεῖν πλεονεκτεῖν;
καί μοι[5] ἀνάγνωθι τὸν νόμον.

ΝΟΜΟΣ

15 Ἐγὼ τοίνυν, ὦ ἄνδρες δικασταί, ὑμᾶς μὲν πάντας εἰδέναι ἡγοῦμαι ὅτι ἐγὼ μὲν ὀρθῶς λέγω, τοῦτον δὲ οὕτω σκαιὸν εἶναι ὥστε οὐ δύνασθαι μαθεῖν τὰ λεγόμενα. βούλομαι οὖν αὐτὸν καὶ ἐξ ἑτέρων νόμων περὶ τούτων διδάξαι, ἐάν πως ἀλλὰ νῦν ἐπὶ τοῦ βήματος παιδευθῇ καὶ τὸ λοιπὸν ἡμῖν μὴ

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[1] δράσαντ' ἀφεῖναι Dobson: δείξαντα κτεῖναι MSS.

[2] Λυσιθέῳ Frohberger: Θέωνι MSS.

[3] εἰπόντι σε Taylor: εἶπε τίς σε MSS.

[4] ἐν add. Markland.

[5] καί μοι Markland: καίτοι MSS.

he declared he was a *murderer*, on the ground that the prosecutor deposed on oath that the defendant *killed.* And is not this the same thing as what this man's plea will amount to? Why, you have taken proceedings yourself against Lysitheus for slander, because he said that you had cast your shield: yet there is nothing in the terms of the law about *casting*, whereas, if anyone says, that a man has *thrown away* his shield, it imposes a penalty of five hundred drachmae.[a] How monstrous it is, then, that when you have to avenge yourself on your enemies for slander you take the laws in the sense that I do now, but when you slander another in defiance of the laws you claim to escape punishment! Tell me, are you so clever that you are able to turn the laws about to suit your pleasure, or so powerful that you suppose that the people whom you have wronged will never get their revenge? And then, are you not ashamed of such a senseless vagary as to presume on advantages due to you, not for any services done to the State, but for your unpunished offences? Please read me the law.

LAW

Well, gentlemen, I think you have all perceived that my statement is correct, whereas this man is so stupid that he cannot understand a word that is said. So I would like to avail myself of some other laws for his instruction on these points, in the hope that even now, on the daïs,[b] he may learn a lesson, and may

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[a] About £30.

[b] There were separate raised seats for the prosecutor and the defendant.

παρέχῃ πράγματα. καί μοι ἀνάγνωθι τούτους τοὺς νόμους τοὺς Σόλωνος τοὺς παλαιούς.

ΝΟΜΟΣ

16 "Δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ ἡμέρας πέντε τὸν πόδα, ἐὰν [μὴ][1] προστιμήσῃ ἡ ἡλιαία."

Ἡ ποδοκάκκη αὕτη ἐστίν, ὦ Θεόμνηστε, ὃ νῦν καλεῖται ἐν τῷ ξύλῳ δεδέσθαι. εἰ οὖν ὁ δεθεὶς ἐξελθὼν ἐν ταῖς εὐθύναις τῶν ἕνδεκα κατηγοροίη ὅτι οὐκ ἐν τῇ ποδοκάκκῃ ἐδέδετο ἀλλ' ἐν τῷ ξύλῳ, οὐκ ἂν ἠλίθιον αὐτὸν νομίζοιεν; λέγε ἕτερον νόμον.

ΝΟΜΟΣ

17 "Ἐπεγγυᾶν δ' ἐπιορκήσαντα τὸν Ἀπόλλω. δεδιότα δὲ δίκης ἕνεκα δρασκάζειν."

Τοῦτο τὸ ἐπιορκήσαντα ὀμόσαντά[2] ἐστι, τό τε δρασκάζειν, ὃ νῦν ἀποδιδράσκειν ὀνομάζομεν.

"Ὅστις δὲ ἀπίλλει τῇ θύρᾳ, ἔνδον τοῦ κλέπτου ὄντος."

Το ἀπίλλειν τοῦτο[3] ἀποκλείειν νομίζεται, καὶ μηδὲν διὰ τοῦτο διαφέρου.

18 "Τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων."

Τὸ στάσιμον τοῦτό ἐστιν, ὦ βέλτιστε, οὐ ζυγῷ ἱστάναι ἀλλὰ τόκον πράττεσθαι ὁπόσον ἂν βούληται. ἔτι δ' ἀνάγνωθι[4] τουτουὶ[5] τοῦ νόμου τὸ τελευταῖον.

19 "Ὅσαι δὲ πεφασμένως πολοῦνται,"

καὶ

"οἰκῆος [καὶ] βλάβης τὴν διπλὴν[6] εἶναι ὀφείλειν."

henceforward cease from his vexatious proceedings against us. Please read me those ancient laws of Solon.

LAW

"He shall have his foot confined in the stocks for five days, if the court shall make such addition to the sentence."

The "stocks" there mentioned, Theomnestus, are what we now call "confinement in the wood." So if a person confined should on his release accuse the Eleven, at their public examination, of having him confined, not in the stocks, but in the wood, they would take him for an idiot, would they not? Read another law.

LAW

"He shall vow by Apollo and give security. If he dreads the course of justice, let him flee."

Here to "vow" is to "swear," and "flee" is what we now call "run away." "Whosoever debars with his door, when the thief is within,"—Here to "debar" is taken to be "shut out"; no dispute, now, on that score! "Money shall be placed out at whatever rate the lender may choose." "Placed out" here, my fine fellow, is not a case of placing in the balance, but of drawing interest to such amount as one may choose. Once more, read the final clause of this same law. "All women who ply about overtly," and "for hurt to a varlet the redress shall be double." Pay

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[1] μὴ del. Auger.

[2] ὀμόσαντα Harpocration: ὀμόσαι MSS.

[3] τοῦτο Markland: τὸ MSS.

[4] ἔτι δ' ἀνάγνωθι P. Müller: ἐπανάγνωθι MSS.

[5] τουτουὶ Markland: τουτὶ MSS.

[6] [καὶ] . . . διπλῆν Schelling: καὶ . . . δούλην MSS.

Προσέχετε τὸν νοῦν. τὸ μὲν πεφασμένως ἐστὶ
φανερῶς, πολεῖσθαι δὲ βαδίζειν, τὸ δὲ οἰκῆος θεράποντος.
20 πολλὰ δὲ τοιαῦτα καὶ ἄλλα ἐστίν, ὦ
ἄνδρες δικασταί. ἀλλ' εἰ μὴ σιδηροῦς ἐστιν,
οἴομαι αὐτὸν ἔννουν γεγονέναι ὅτι τὰ μὲν πράγματα
[118] ταὐτά ἐστι νῦν τε καὶ πάλαι, τῶν δὲ ὀνομάτων
ἐνίοις οὐ τοῖς αὐτοῖς χρώμεθα νῦν τε καὶ
πρότερον. δηλώσει δέ· οἰχήσεται γὰρ ἀπιὼν ἀπὸ
21 τοῦ βήματος σιωπῇ. εἰ δὲ μή, δέομαι ὑμῶν, ὦ
ἄνδρες δικασταί, τὰ δίκαια ψηφίσασθαι, ἐνθυμουμένους
ὅτι πολὺ μεῖζον κακόν ἐστιν ἀκοῦσαί
τινα[1] τὸν πατέρα ἀπεκτονέναι ἢ τὴν ἀσπίδα ἀποβεβληκέναι.
ἐγὼ γοῦν δεξαίμην ἂν πάσας τὰς
ἀσπίδας ἐρριφέναι ἢ τοιαύτην γνώμην ἔχειν περὶ
τὸν πατέρα.

22 Οὗτος οὖν ἔνοχος μὲν ὢν τῇ αἰτίᾳ, ἐλάττονος δὲ
οὔσης αὐτῷ τῆς συμφορᾶς, οὐ μόνον ὑφ' ὑμῶν
ἠλεήθη, ἀλλὰ καὶ τὸν μαρτυρήσαντα ἠτίμωσεν.
ἐγὼ δὲ ἑωρακὼς μὲν ἐκεῖνο τοῦτον ποιήσαντα ὃ
καὶ ὑμεῖς ἴστε, αὐτὸς δὲ σώσας τὴν ἀσπίδα,
ἀκηκοὼς δὲ οὕτως ἀνόσιον[2] καὶ δεινὸν πρᾶγμα,
μεγίστης δὲ οὔσης μοι τῆς συμφορᾶς, εἰ ἀποφεύξεται,
τούτῳ δ' οὐδενὸς ἀξίας, εἰ κακηγορίας
ἁλώσεται, οὐκ ἄρα δίκην παρ' αὐτοῦ λήψομαι;
23 τίνος ὄντος ἐμοὶ πρὸς ὑμᾶς ἐγκλήματος; πότερον
ὅτι δικαίως ἀκήκοα; ἀλλ' οὐδ' ἂν αὐτοὶ φήσαιτε.
ἀλλ' ὅτι βελτίων καὶ ἐκ βελτιόνων ὁ φεύγων ἐμοῦ;
ἀλλ' οὐδ' ἂν αὐτὸς ἀξιώσειεν. ἀλλ' ὅτι ἀποβεβληκὼς
τὰ ὅπλα δικάζομαι κακηγορίας τῷ σώσαντι;

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[1] ἀκοῦσαί τινα Foertsch: ἀκούσαντα MSS.

attention: "overtly" is "openly," "ply about" is "walk about," and a "varlet" is a "servant." We have many other instances of the sort, gentlemen. But if he is not a numskull, I suppose he has realized that things are the same now as they were of old, but that in some cases we do not use the same terms now as we did formerly. And he will show as much, for he will leave the daïs and depart in silence. If not, I beg you, gentlemen, to vote according to justice, reflecting that it is a far greater slur to be told that one has killed one's father than that one has thrown away one's shield. I, for one, would rather have cast any number of shields than entertain such thoughts regarding my father.

Now this man, on a charge which was well-founded, but which involved less disaster to him, obtained not only your pity, but even the disfranchisement[a] of the witness for the prosecution. But I, who have seen him do that[b] which you likewise know, who have saved my own shield, who have been accused of a proceeding thus unholy and monstrous, and whose disaster will be overwhelming if he is acquitted, while his will be inconsiderable if he is convicted of slander, —am I not to obtain satisfaction from him? What imputation have you standing against me? Is it that I have been justly accused? No, not even yourselves can say so. That the defendant is a better man and of better birth than I? No, not he himself can claim this. That having thrown away my arms I am suing for slander a man who saved his?

[a] For perjury.

[b] Namely, throw away his shield.

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[2] *ἀνόσιον* Hertlein: *ἄνομον* MSS.

ἀλλ᾽ οὐχ οὗτος ὁ λόγος ἐν τῇ πόλει κατεσκέδασται.[1] 24 ἀναμνήσθητε δὲ ὅτι μεγάλην καὶ καλὴν ἐκείνην δωρεὰν[2] αὐτῷ δεδώκατε· ἐν ᾗ τίς οὐκ ἂν ἐλεήσειε Διονύσιον, τοιαύτῃ μὲν συμφορᾷ περιπεπτωκότα, ἄνδρα δὲ ἄριστον ἐν τοῖς κινδύνοις γεγενημένον, 25 ἀπιόντα δὲ ἀπὸ τοῦ δικαστηρίου [καὶ][3] λέγοντα ὅτι δυστυχεστάτην ἐκείνην εἴημεν στρατείαν ἐστρατευμένοι, ἐν ᾗ πολλοὶ μὲν ἡμῶν ἀπέθανον, οἱ δὲ σώσαντες τὰ ὅπλα ὑπὸ τῶν ἀποβαλόντων ψευδομαρτυρίων ἑαλώκασι, κρεῖττον δὲ ἦν αὐτῷ τότε ἀποθανεῖν 26 ἢ οἴκαδ᾽ ἐλθόντι τοιαύτῃ τύχῃ χρῆσθαι; μὴ τοίνυν ἀκούσαντά <τε>[4] Θεόμνηστον κακῶς τὰ προσήκοντα ἐλεεῖτε, καὶ ὑβρίζοντι καὶ λέγοντι παρὰ τοὺς νόμους συγγνώμην ἔχετε. τίς γὰρ ἂν ἐμοὶ μείζων ταύτης γένοιτο συμφορά, περὶ τοιούτου 27 πατρὸς οὕτως αἰσχρὰς αἰτίας ἀκηκοότι; ὃς[5] πολλάκις μὲν ἐστρατήγησε, πολλοὺς δὲ καὶ ἄλλους κινδύνους μεθ᾽ ὑμῶν ἐκινδύνευσε· καὶ οὔτε τοῖς πολεμίοις τὸ ἐκείνου σῶμα ὑποχείριον ἐγένετο, οὔτε τοῖς πολίταις οὐδεμίαν πώποτε ὦφλεν εὐθύνην, ἔτη δὲ γεγονὼς ἑπτὰ καὶ ἑξήκοντα ἐν ὀλιγαρχίᾳ δι᾽ εὔνοιαν τοῦ ὑμετέρου πλήθους 28 ἀπέθανεν. ἆρ᾽ ἄξιον ὀργισθῆναι τῷ <τοιαῦτ᾽>[6] εἰρηκότι καὶ βοηθῆσαι τῷ πατρί, ὡς καὶ ἐκείνου κακῶς ἀκηκοότος; τί γὰρ ἂν τούτου ἀνιαρότερον γένοιτο αὐτῷ, ἢ τεθνάναι μὲν ὑπὸ τῶν ἐχθρῶν, αἰτίαν δ᾽ ἔχειν ὑπὸ τῶν παίδων <ἀνῃρῆσθαι>[7]; οὗ ἔτι καὶ νῦν, ὦ ἄνδρες δικασταί, τῆς ἀρετῆς τὰ

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[1] κατεσκέδασται Brulart: κατεσκεύασται MSS.
[2] δωρεὰν Contius: δῶρον MSS.
[3] καὶ del. Reiske.
[4] τε add. Bekker.
[5] ἀκηκοότι; ὃς Reiske: ἀκηκοότος MSS.
[6] τοιαῦτ᾽ add. Frohberger.
[7] ἀνῃρῆσθαι add. Brulart.

This is not the story that has been disseminated in the city. Remember that there you have presented him with a rich and goodly gift[a]: in that respect, who would not pity Dionysius for the disaster that overtook him, after he had proved himself a man of the highest valour in times of danger, who on leaving the court remarked that that was our most calamitous campaign, in which many of us were killed, and those who saved their arms had been condemned for false witness at the suit of those who threw theirs away; and that it had been better for him to be killed on that day than return home to meet with such a fate? Do not, then, if you pity Theomnestus for the obloquy that he deserves, forgive him for outrages and expressions whereby he has broken the laws. For what greater misfortune could befall me, after I have had such shameful charges brought against me, and in relation to such a father? He was general many times, and shared your peril besides in many a conflict: neither did his person fall into the hands of the enemy, nor was he ever convicted by his fellow-citizens at any audit of his service, but at the age of sixty-seven he lost his life under the oligarchy for loyalty to your people. Is there not good cause to feel anger against the man who has made such statements, and to defend my father as included in this calumny? For what more distressing fate could overtake him than this,—after being slain by his enemies, to bear the reproach of having been destroyed by his children? Even now, gentlemen, the memorials

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[a] *i.e.*, his success in securing the condemnation and disfranchisement of Dionysius, the other witness in the previous trial.

μνημεῖα πρὸς τοῖς ὑμετέροις <ἱεροῖς>[1] ἀνάκειται,
τὰ δὲ τούτου καὶ τοῦ τούτου πατρὸς τῆς κακίας
πρὸς τοῖς τῶν πολεμίων· οὕτω σύμφυτος αὐτοῖς
29 ἡ δειλία. καὶ μὲν δή, ὦ ἄνδρες δικασταί, ὅσῳ
μείζους εἰσὶ καὶ νεανίαι τὰς ὄψεις, τοσούτῳ μᾶλλον
ὀργῆς ἄξιοί εἰσι. δῆλον γὰρ ὅτι τοῖς μὲν σώμασι
δύνανται, τὰς δὲ ψυχὰς οὐκ <εὖ>[2] ἔχουσιν.

30 Ἀκούω δ' αὐτόν, ὦ ἄνδρες δικασταί, ἐπὶ τοῦτον
τὸν λόγον τρέπεσθαι, ὡς ὀργισθεὶς εἴρηκε ταῦτα
ἐμοῦ μαρτυρήσαντος τὴν αὐτὴν μαρτυρίαν Διονυσίῳ.
ὑμεῖς δ' ἐνθυμεῖσθε, ὦ ἄνδρες δικασταί, ὅτι
ὁ νομοθέτης οὐδεμίαν ὀργῇ συγγνώμην δίδωσιν,
ἀλλὰ ζημιοῖ τὸν λέγοντα, ἐὰν μὴ ἀποφαίνῃ ὡς
ἔστιν ἀληθῆ τὰ εἰρημένα. ἐγὼ δὲ δὶς ἤδη περὶ
τούτου μεμαρτύρηκα· οὐ γάρ πω ᾔδη ὅτι ὑμεῖς
τοὺς μὲν ἰδόντας τιμωρεῖσθε, τοῖς δὲ ἀποβαλοῦσι
συγγνώμην ἔχετε.

31 Περὶ μὲν οὖν τούτων οὐκ οἶδ' ὅ τι δεῖ πλείω
λέγειν· ἐγὼ δ' ὑμῶν δέομαι καταψηφίσασθαι
Θεομνήστου, ἐνθυμουμένους ὅτι οὐκ ἂν γένοιτο
τούτου μείζων ἀγών μοι. νῦν γὰρ διώκω <μὲν>[3]
κακηγορίας, τῇ δ' αὐτῇ ψήφῳ φόνου φεύγω τοῦ
πατρός, ὃς μόνος, ἐπειδὴ τάχιστα ἐδοκιμάσθην,
32 ἐπεξῆλθον τοῖς τριάκοντα ἐν Ἀρείῳ πάγῳ. ὧν
μεμνημένοι καὶ ἐμοὶ καὶ τῷ πατρὶ βοηθήσατε καὶ
τοῖς νόμοις τοῖς κειμένοις καὶ τοῖς ὅρκοις οἷς
ὀμωμόκατε.

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[1] ἱεροῖς add. Contius.

[2] εὖ add. Emperius.

[3] μὲν add. Scheibe.

of his valour are hanging in your temples, while those of this man's and his father's baseness are seen in the temples of the enemy, so ingrained is cowardice in their nature. And indeed, gentlemen, the taller and more gallant they are in looks, the more they are deserving of anger. For it is clear that, though strong in their bodies, they are ill in their souls.

I hear, gentlemen, that he is resorting to the argument that he has made these statements in a fit of anger at my having borne witness to the same effect as Dionysius. But your reflection on this, gentlemen, must be that the lawgiver grants no indulgence to anger; he punishes the speaker, unless he proves the truth of the statements that he has made. I myself have now borne witness twice in regard to this man; for I was not yet aware that you punished the persons who had seen the deed, but pardoned those who had done the throwing away.

I doubt if on these points there is need to say any more. I request you to condemn Theomnestus, reflecting that no trial could be more serious for me than the present. For although I am now prosecuting for slander, yet at the same casting of your vote I am prosecuted for murdering my father,—I who alone, as soon as I was certified to be of age,[a] indicted the Thirty before the Areopagus. Remembering these reasons, vindicate me and my father, and also the established laws and the oaths that you have sworn.

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[a] By the Council, when he was eighteen years old.

[119] XI. ΚΑΤΑ ΘΕΟΜΝΗΣΤΟΥ Β

1 Ὅτι μὲν τὸν πατέρα μ' ἔφασκεν[1] ἀπεκτονέναι,
πολλοὶ συνοίδασιν ὑμῶν, καὶ μαρτυροῦσι δέ μοι·
ὅτι δὲ οὐ πεποίηκα, δῆλον· ἔτη γάρ ἐστί μοι δύο
καὶ τριάκοντα, ἐξ οὗ δ' ὑμεῖς κατήλθετε, εἰκοστὸν
2 τουτί. φαίνομαι οὖν δωδεκαέτης ὤν, ὅτε ὁ πατὴρ
ὑπὸ τῶν τριάκοντα ἀπέθνῃσκεν, ὥστ' οὐδ' ὅ τι
ὀλιγαρχία ἦν ᾔδη, οὐδὲ τῷ πατρὶ βοηθεῖν οἷός τ'
ἦ. ἀλλὰ μὴν οὐδὲ τῶν χρημάτων ἕνεκα ἐπεβούλευσα αὐτῷ· ὁ γὰρ πρεσβύτερος ἀδελφὸς πάντα
λαβὼν ἀπεστέρησεν ἡμᾶς.

3 Ἴσως δ' ἐρεῖ ὡς οὐκ ἔστι τῶν ἀπορρήτων, ἐάν
τις φῇ τὸν πατέρα ἀπεκτονέναι· τὸν γὰρ νόμον οὐ
ταῦτ' ἀπαγορεύειν, ἀλλ' ἀνδροφόνον οὐκ ἐᾶν λέγειν.
ἐγὼ δ' οἶμαι δεῖν οὐ περὶ τῶν ὀνομάτων διαφέρεσθαι, ἀλλὰ περὶ τῆς τῶν ἔργων διανοίας, καὶ πάντας
εἰδέναι ὅτι ὁπόσοι[2] ἀπεκτόνασί τινας, καὶ ἀνδροφόνοι τῶν αὐτῶν εἰσι, καὶ ὅσοι ἀνδροφόνοι τινός,
4 καὶ ἀπεκτόνασι τοῦτον. πολὺ γὰρ ἂν ἔργον εἴη
τῷ νομοθέτῃ πάντα γράφειν τὰ ὀνόματα, ὅσα τὴν
αὐτὴν δύναμιν ἔχει· ἀλλὰ περὶ ἑνὸς εἰπὼν περὶ
πάντων ἐδήλωσεν. οὐ γὰρ δήπου ἐὰν μέν τις
πατραλοίαν ἢ μητραλοίαν καλῇ σε,[3] ὑπόδικός

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[1] ἔφασκεν Taylor: ἔφασκον MSS.

[2] ὁπόσοι Stephanus: ὁποῖοι MSS.

[3] καλῇ σε Markland: καλέσῃ MSS.

XI. AGAINST THEOMNESTUS, II

(An Abstract of the preceding Speech, made perhaps as late as 200 a.d.)

That he asserted that I had killed my father is in the knowledge of many of you, and they are my witnesses. But that I have not done it is evident; for I am thirty-two years old, and this is the twentieth year since your return to the city. You see, then, that I was twelve years old when my father was put to death by the Thirty, so that I did not even know what an oligarchy was, nor was I capable of defending my father. Nor, again, was his property a motive for my having designs upon him; for my elder brother got everything, and left us destitute.

Perhaps he will say that it is not among the forbidden things to say a man has killed his father, since the law does not prohibit this, but disallows the word "murderer." But I think our dispute ought not to be over mere terms, but over the intention shown in acts, and that everyone knows that all who have killed others are murderers of those same persons, and those who are murderers of another have killed that man. For it would be too great a task for the lawgiver to write all the terms that have the same meaning: he preferred to mention one which should indicate all. I presume it cannot be that, if anyone who calls you a father-beater or a

ἐστιν, ἐὰν δέ τις τὴν τεκοῦσαν ἢ τὸν φυτεύσαντα
5 τύπτειν <φῇ>,[1] ἀζήμιος ἔσται. καὶ ἐάν[2] τις εἴπῃ
ῥίψασπιν, ἀθῷος ἔσται· τὸν γὰρ νόμον, ἐάν τις
εἴπῃ ἀποβεβληκέναι τὴν ἀσπίδα, ζημίαν τάττειν,
ἀλλ’ οὐκ ἄν τις ῥῖψαι φῇ αὐτήν. ὁμοίως δ’ ἂν καὶ
τῶν ἕνδεκα γενόμενος οὐκ ἂν ἀπεδέχου τὸν ἀπαγόμενον,
ὅτι θοἰμάτιον ἐξέδυέ τινος[3] ἢ τὸν χιτωνίσκον,
6 εἰ μὴ λωποδύτην ὠνόμαζεν. οὐδ’ εἴ τις
παῖδ’ ἐξῆγεν, ὡς ἀνδραποδιστήν· καὶ αὐτὸς μὲν
ἐδικάσω κακηγορίας τῷ εἰπόντι σε ῥῖψαι τὴν
ἀσπίδα. καίτοι ἐν τῷ νόμῳ οὐ γέγραπται, ἀλλ’
ἐάν τις φῇ ἀποβεβληκέναι. πῶς οὖν οὐ δεινόν,
ἐὰν μέν τις σὲ εἴπῃ, τοὺς νόμους ἐκλαμβάνειν
οὕτως ὥσπερ ἐγὼ νῦν, καὶ τιμωρεῖσθαι[4] τοὺς
ἐχθρούς, ἐὰν δ’ αὐτὸς εἴπῃς, οὐκ ἀξιοῦν[5] δοῦναι
7 δίκην; βοηθήσατε οὖν μοι, ἐνθυμούμενοι ὅτι μεῖζόν
ἐστι κακὸν <ἀκοῦσαι>[6] τὸν πατέρα ἀπεκτονέναι
ἢ τὴν ἀσπίδα ῥῖψαι. ἐγὼ γοῦν δεξαίμην <ἂν>[7]
πάσας ἀποβεβληκέναι ἢ τοιαύτην γνώμην περὶ τὸν
πατέρα ἔχειν. καίτοι[8] γε τοῦτον μὲν ἑώρακα
ποιοῦντα, ὡς καὶ ὑμεῖς ἴστε, αὐτὸς δ’ ἔσωσα τὴν
ἀσπίδα. ὥστε διὰ τί οὐκ ἂν λάβοιμι δίκην παρ’
8 αὐτοῦ; τίνος ἐγκλήματός μοι ὄντος; πότερον ὡς
δικαίως ἤκουσα; ἀλλ’ οὐδ’ ἂν αὐτοὶ φήσαιτε. ἀλλ’
ὡς βελτίων οὗτος[9]; ἀλλ’ οὐδ’ ἂν αὐτὸς ἀξιώσειεν.
ἀλλ’ ὅτι ἀποβεβληκὼς τὰ ὅπλα σώσαντι δικάζομαι;

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[1] *τύπτειν φῇ* Emperius: *τύπτοι* MSS.

[2] *ἐάν* Hermann: *εἴ* MSS.

[3] *ἐξέδυέ τινος* Emperius: *ἔξω θέμενος* MSS.

[4] *τιμωρεῖσθαι* Baiter et Sauppe: *τιμωρεῖν* MSS.

[5] *ἀξιοῦν* Taylor: *ἄξιον* MSS.

[6] *ἀκοῦσαι* add. Baiter et Sauppe.

[7] *ἂν* add. Markland.

mother-beater is liable to a penalty, at the same time a person who says that you strike your male or female parent is to escape punishment. So, if someone calls a man a shield-caster, he is to be immune, since the law imposes a penalty for saying that a man has thrown away his shield, but not for saying he has cast it. Similarly, if you were one of the Eleven, you would not accept a prisoner arrested for stripping a man of his cloak or his shirt, unless he were given the name of clothes-stealer. Nor, if someone abducted a child, would you accept him as a kidnapper. Now you have yourself taken proceedings for slander against the person who said you had cast your shield: yet it is not so written in the law, but the phrase is "saying a man has thrown it away." How monstrous, then, that if such a thing is said about you, you should make play with the laws in the way I am doing now, and should be avenged on your enemies; but if you say such a thing yourself, you should claim to escape punishment! I ask you, therefore, gentlemen, to protect me, reflecting that it is a greater injury to be accused of killing one's father than of having cast one's shield. I, for one, would rather admit to having thrown away any number than to entertaining such thoughts regarding my father. Yet I have seen this man acting in the way that you know, while I myself saved my shield. So on what ground should I fail to get redress from him? What imputation stands against me? That I have been justly accused? No, not even yourselves can say so. That the defendant is a better man? No, not even himself can claim this. That having thrown away my arms I am suing

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[8] καίτοι Contius: καί MSS.

[9] βελτίων οὗτος Sluiter: βελτίονος ὄντος MSS.

ἀλλ᾽ οὐχ οὗτος ὁ λόγος διέσπαρται κατὰ τὴν πόλιν.
9 μὴ δὴ κακῶς ἀκούοντα τὰ προσήκοντα ἐλεεῖτε,
μηδ᾽ ὑβρίζοντί τε καὶ λέγοντι παρὰ τοὺς νόμους
συγγνώμην ἔχετε, καὶ ταῦτα εἰς ἄνδρα ὃς πολλὰς
μὲν στρατηγίας ἐστρατήγηκε, πολλοὺς δὲ μεθ᾽
ὑμῶν <κινδύνους>[1] κεκινδύνευκε, καὶ οὔτε τοῖς
πολεμίοις ὑποχείριος γέγονεν οὔθ᾽ ὑμῖν εὔθυναν
ὦφλεν, ἑβδομήκοντα δ᾽ ἐτῶν ὢν ἐπ᾽[2] ὀλιγαρχίας
ἐτελεύτησε διὰ τὴν ὑμετέραν εὔνοιαν. ἄξιον δὲ
10 ὀργισθῆναι ὑπὲρ αὐτοῦ· τί γὰρ ἂν τούτου ἀνιαρότερον
ἀκούσειεν, εἰ τεθνηκὼς ὑπὸ τῶν ἐχθρῶν
αἰτίαν ἔχοι ὑπὸ τῶν τέκνων ἀνῃρῆσθαι; οὗ τῆς
ἀρετῆς τὰ μνημεῖα πρὸς τοῖς ὑμετέροις ἱεροῖς
ἀνάκειται, τῆς δὲ τούτων κακίας πρὸς τοῖς τῶν
πολεμίων.

11 Ἐρεῖ δὲ ὡς ὀργισθεὶς εἴρηκεν. ὑμεῖς δ᾽ ἐνθυμεῖσθε
ὅτι ὁ νομοθέτης οὐδεμίαν συγγνώμην ὀργῇ
δίδωσιν, ἀλλὰ ζημιοῖ τὸν λέγοντα, ἐὰν μὴ ἀποδεικνύῃ
ἀληθῆ. ἐγὼ δὲ δὶς περὶ τούτου μεμαρτύρηκα·
οὐ γὰρ ᾔδη ὅτι ὑμεῖς τοὺς μὲν ἰδόντας[3]
τιμωρεῖσθε, τοῖς δὲ ἀποβαλοῦσι συγγνώμην ἔχετε.
12 δέομαι οὖν καταψηφίσασθαι αὐτοῦ. νυνὶ γὰρ
[120] διώκω μὲν κακηγορίας, τῇ δ᾽ αὐτῇ ψήφῳ φόνου
φεύγω τοῦ πατρός, οὗ μείζων ἀγὼν οὐκ ἂν γένοιτό
μοι, ὃς μόνος δοκιμασθεὶς τοῖς τριάκοντ᾽ ἐπεξῆλθον
ἐν Ἀρείῳ πάγῳ. βοηθήσατ᾽ οὖν κἀκείνῳ κἀμοί.

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[1] κινδύνους add. Taylor.

[2] ἐπ᾽ Baiter: ὑπ᾽ MSS.

[3] ἰδόντας Contius: ἰδιώτας MSS.

a man who saved his? This is not the story that has been dispersed over the city. Do not, then, pity him for obloquy that he deserves, nor forgive him for outrages and expressions whereby he has broken the laws, especially in regard to a man [a] who has held many generalships and shared many of your perils; who has neither fallen into the hands of the enemy nor been convicted by you at the audit of his service, and who at the age of seventy lost his life under the oligarchy for loyalty to you. There is good cause to feel anger on his account: for what more distressing repute could he have than this,—after being slain by his enemies to bear the reproach of having been destroyed by his children? The memorials of his valour are hanging in your temples, while those of these people's baseness are seen in the temples of the enemy.

He will say that he has made the statement in a fit of anger. But your reflection on this must be that the lawgiver grants no indulgence to anger; he punishes the speaker, unless he proves the truth of his words. I have borne witness twice in regard to this man: for I was not aware that you punished the persons who had seen the deed, but pardoned those who had done the throwing away. I therefore request you to condemn him. For although at this moment I am prosecuting for slander, yet at the same casting of your vote I am prosecuted for murdering my father: no trial could be more serious for me than this; and I alone, when certified of age, indicted the Thirty before the Areopagus. Vindicate, therefore, both my father and me.

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[a] The speaker's father.

XII. AGAINST ERATOSTHENES

INTRODUCTION

This speech, the most important of the extant works of Lysias, is full of interest alike to the student of revolutionary movements and to the amateur of literary art. Its traditional title records that it was "spoken by Lysias himself," and there is no reason to doubt this fact. For a short period after the restoration of the democracy in 404 B.C. he enjoyed the citizenship; and it is possible that even when deprived of this status, and reduced to that of an "isoteles" or alien with certain rights, he was still able to come forward with an incrimination at the public inquiry, held before an ordinary court composed of citizens, into the acts of a retired official. Eratosthenes, the defendant, had been active in the cause of oligarchy in 411 B.C., when amid the troubles that followed the Sicilian disaster the government of Athens was entrusted to a Council of Four Hundred. The democracy was soon afterwards restored, and Athens recovered some of her power by the victory of Arginusae (406): but in 405 she was crushed to impotence by the Spartan victory at Aegospotami, and in the following year she lay under the crippling domination of thirty oligarchs established by the aid of Sparta. Eratosthenes was one of the Thirty, and through this speech we get a vivid impression, first of their dealings with private persons whom they decided to put out of the way, and then of the general tenor of their conduct in the possession of power. The object of Lysias is to discredit the character and administration of Eratosthenes, although the latter is seeking to ingratiate himself with the people and to regain the full status of a citizen on the grounds of his general moderation and his sympathy with Theramenes.

After a brief introduction (1-3) Lysias gives his personal reasons for making the accusation, by recounting how the Thirty determined to obtain funds by putting a number of wealthy persons to death and seizing their property. Lysias and his brother Polemarchus were two of the selected victims: the former contrived to escape with his life, but the latter was executed and buried with haste and indignity; in spite of their good services to the State, their property was abstracted by the Thirty (4-22). Some argument follows on the responsibility of Eratosthenes, who says that he arrested Polemarchus through fear of the Thirty, but opposed the unjust execution of the brothers. Yet it is unlikely that he would have been chosen to arrest them if he had really been known to be opposed to their execution; and the arrest was made in the open street, where he was under no necessity of carrying out the order, and might rather have warned Polemarchus of his danger. Eratosthenes is convicted out of his own mouth, and instead of having any public services to plead in extenuation, he is an associate of those who brought the final humiliations upon the city (23-41).

The speech then proceeds to a historical review of the agencies and aids by which the Thirty rose, held sway, and fell. Eratosthenes and Critias, with three others, were set up irregularly by the political clubs as " overseers " with absolute powers, and soon the number of these governors was enlarged to thirty. Erastosthenes belonged to the more moderate section of them led by Theramenes, who shortly succumbed to the extremist attacks of Critias: thereafter Eratosthenes joined the Thirty in their most cruel excesses, including the murder of Polemarchus already related. But in September 404 the democratic party under Thrasybulus seized Phyle, a commanding position near Athens: they succeeded in repelling the oligarchs and increasing their own strength. The Thirty, anxious to secure a place of refuge, went to Eleusis, captured 300 of the citizens, whom they afterwards put to death, and made themselves masters of the place. Thrasybulus then forced an entrance into the Peiraeus, and occupied it with over 1000 men. A series of struggles ensued, in the last of which Critias was killed. After some negotiations the Thirty were deposed and, with the exception of Pheidon and Eratosthenes, withdrew finally to Eleusis: their place was taken in Athens by ten magistrates or commissioners who were expected to make terms with the democrats (42-55). But, instead of doing this, they sought the aid of Sparta against the growing forces in the Peiraeus. Pheidon then showed himself to be as bad as Eratosthenes, and no credit to his friend, as the latter claims, by seeking a new lease of power in opposition both to the Thirty and to the democracy. By the courage of some loyal men the Spartan menace was averted, and an arrangement was made for an amnesty (from which the Thirty were excluded) and a general restoration of confiscated property (56-61).

The conduct of Theramenes, the other man with whom Eratosthenes was specially associated, is next described. He was first a promoter of oligarchy in 411 B.C., and revealed then his shifty and treacherous character. After Aegospotami (405) he arranged the humiliating terms of peace with Sparta, purposely crippling Athens so as to facilitate the ascendancy of the Thirty. Thus he twice enslaved Athens (62-78). It is time now to decide on the punishment of Eratosthenes, whose illegal condemnation of others might fairly be visited with a condemnation equally illegal. The extreme penalty is not severe enough for him and his children. He is so audacious as to appear now before those who have been his victims : he must either despise them, or trust in the support of other ill-disposed persons who have schemes of their own. His witnesses should not think that the past troubles and dangers have been so soon forgotten. If they say that he was the least harmful of the Thirty, that does not lessen their corporate villainy (79-91).

Members of the two parties—of the town and of the Peiraeus—are then addressed separately, and reminded of their respective grievances against the Thirty. The former were involved in a dreadful strife against their own people, and got only a share in the shame of the tyranny. As to the latter, a picture is drawn of the awful consequences that would have resulted from the defeat of the democrats in the last struggles for their return to Athens.

But the facts are sufficient in themselves, if they are but felt in their full reality: judgement must be given with a proper sense of the injuries done to the temples, the arsenals, and the dead,—who may be listening even now, and expecting their vengeance (92-100).

What verdict was given is unknown, but it is probable that owing to the strong support always accorded to Theramenes during his life and to his friends after his death, and also because of the general tendency towards pacification, Eratosthenes was acquitted. The trial or inquiry at which the speech was delivered evidently took place shortly after the amnesty had been ordained by Sparta (end of 403).

The speech is remarkable for the range of its eloquence. The opening sentences of rather ordinary preface are cast in a formal mould derived from the lessons of Gorgias. The vivid narrative of the arrest and death of Polemarchus is given in a simple, running style, and there is little attempt at pathos. It is when Lysias turns to the public concernment with the proceedings of the Thirty that he brings all the strength of a well-rounded and resonant style to the task of arousing national indignation against the tyrants, and shows himself a masterly pleader in representing the wrongs and sufferings of the average man.

XII. ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ ΤΟΥ ΓΕΝΟΜΕΝΟΥ ΤΩΝ ΤΡΙΑΚΟΝΤΑ, ΟΝ ΑΥΤΟΣ ΕΙΠΕ ΛΥΣΙΑΣ

1 *Οὐκ ἄρξασθαί μοι δοκεῖ ἄπορον εἶναι, ὦ ἄνδρες
δικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι·
τοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος
εἴργασται, ὥστε μήτ᾽ ἂν ψευδόμενον δεινότερα τῶν
ὑπαρχόντων κατηγορῆσαι, μήτε τἀληθῆ βουλόμενον
εἰπεῖν ἅπαντα δύνασθαι, ἀλλ᾽ ἀνάγκη ἢ τὸν κατήγορον
2 ἀπειπεῖν ἢ τὸν χρόνον ἐπιλιπεῖν. τοὐναντίον
δέ μοι δοκοῦμεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ.
πρότερον μὲν γὰρ ἔδει τὴν ἔχθραν τοὺς κατηγοροῦντας
ἐπιδεῖξαι, ἥτις εἴη πρὸς τοὺς φεύγοντας·
νυνὶ δὲ παρὰ τῶν φευγόντων χρὴ πυνθάνεσθαι ἥτις
ἦν αὐτοῖς πρὸς τὴν πόλιν ἔχθρα, ἀνθ᾽ ὅτου τοιαῦτα
ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. οὐ μέντοι ὡς
οὐκ ἔχων οἰκείας ἔχθρας καὶ συμφορὰς τοὺς λόγους
ποιοῦμαι, ἀλλ᾽ ὡς ἅπασι πολλῆς ἀφθονίας οὔσης
ὑπὲρ τῶν ἰδίων ἢ ὑπὲρ τῶν δημοσίων ὀργίζεσθαι.
3 ἐγὼ μὲν οὖν, ὦ ἄνδρες δικασταί, οὔτ᾽ ἐμαυτοῦ
πώποτε οὔτε ἀλλότρια πράγματα πράξας νῦν ἠνάγκασμαι
ὑπὸ τῶν γεγενημένων τούτου κατηγορεῖν,
ὥστε πολλάκις εἰς πολλὴν ἀθυμίαν κατέστην, μὴ*

XII. AGAINST ERATOSTHENES, WHO HAD BEEN ONE OF THE THIRTY : SPOKEN BY LYSIAS HIMSELF

The difficulty that faces me, gentlemen of the jury, is not in beginning my accusation, but in bringing my speech to an end : so enormous, so numerous are the acts they have committed, that neither could lying avail one to accuse them of things more monstrous than the actual facts, nor with every desire to speak mere truth could one tell the whole ; of necessity either the accuser must be tired out or his time must run short. It seems to me that our positions will be the reverse of what they were in former times : for previously the accusers had to explain their enmity towards the defendants ; but in the present case inquiry must be made of the defendants as to the motive of their enmity towards the city in committing such audacious offences against her. It is not, indeed, from any lack of private enmities and sufferings that I make these remarks, but because of the abundant reasons that all of us have for anger on personal grounds, or in the interest of the public. Now as for myself, gentlemen, having never engaged in any suit either on my own account or on that of others, I have now been compelled by what has occurred to accuse this man : hence I have been often overcome with a great feeling of despondency,

διὰ τὴν ἀπειρίαν ἀναξίως καὶ ἀδυνάτως ὑπὲρ τοῦ
ἀδελφοῦ καὶ ἐμαυτοῦ τὴν κατηγορίαν ποιήσομαι.
ὅμως δὲ πειράσομαι ὑμᾶς ἐξ ἀρχῆς ὡς ἂν δύνωμαι
δι' ἐλαχίστων διδάξαι.

4 Οὑμὸς πατὴρ Κέφαλος ἐπείσθη μὲν ὑπὸ Περικλέ-
ους εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἔτη δὲ τριάκοντα
ᾤκησε, καὶ οὐδενὶ πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος
δίκην οὔτε ἐδικασάμεθα οὔτε ἐφύγομεν, ἀλλ' οὕτως
ᾠκοῦμεν δημοκρατούμενοι ὥστε μήτε εἰς τοὺς
ἄλλους ἐξαμαρτάνειν μήτε ὑπὸ τῶν ἄλλων ἀδικεῖ-
5 σθαι. ἐπειδὴ δ' οἱ τριάκοντα πονηροὶ [μὲν][1] καὶ
συκοφάνται ὄντες εἰς τὴν ἀρχὴν κατέστησαν,
φάσκοντες χρῆναι τῶν ἀδίκων καθαρὰν ποιῆσαι
τὴν πόλιν καὶ τοὺς λοιποὺς πολίτας ἐπ' ἀρετὴν καὶ
δικαιοσύνην τραπέσθαι, [καὶ][2] τοιαῦτα λέγοντες οὐ
τοιαῦτα ποιεῖν ἐτόλμων, ὡς ἐγὼ περὶ τῶν ἐμαυτοῦ
πρῶτον εἰπὼν καὶ περὶ τῶν ὑμετέρων ἀναμνῆσαι
6 πειράσομαι. Θέογνις γὰρ καὶ Πείσων ἔλεγον ἐν
τοῖς τριάκοντα περὶ τῶν μετοίκων, ὡς εἶέν τινες τῇ
πολιτείᾳ ἀχθόμενοι· καλλίστην οὖν εἶναι πρόφασιν
τιμωρεῖσθαι μὲν δοκεῖν, τῷ δ' ἔργῳ χρηματίζε-
σθαι· πάντως δὲ τὴν μὲν πόλιν πένεσθαι[3] τὴν <δ'>[4]
7 ἀρχὴν δεῖσθαι χρημάτων. καὶ τοὺς ἀκούοντας οὐ
χαλεπῶς ἔπειθον· ἀποκτιννύναι μὲν γὰρ ἀνθρώ-
πους περὶ οὐδενὸς ἡγοῦντο, λαμβάνειν δὲ χρήματα
περὶ πολλοῦ ἐποιοῦντο. ἔδοξεν οὖν αὐτοῖς δέκα
συλλαβεῖν, τούτων δὲ δύο πένητας, ἵνα αὐτοῖς ᾖ
πρὸς τοὺς ἄλλους ἀπολογία, ὡς οὐ χρημάτων
ἕνεκα ταῦτα πέπρακται, ἀλλὰ συμφέροντα τῇ

[1] μὲν del. Reiske.
[2] καὶ del. Markland.
[3] πένεσθαι Markland: γενέσθαι MSS.
[4] δ' add. Scaliger.

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[a] From Syracuse.

from a fear lest my inexperience might cause me to fail in making a worthy and able accusation on my brother's and on my own behalf. Nevertheless I will try to inform you of the matter from the beginning, as briefly as I can.

My father Cephalus was induced by Pericles to come to this country,[a] and dwelt in it for thirty years: never did he, any more than we,[b] appear as either prosecutor or defendant in any case whatever, but our life under the democracy was such as to avoid any offence against our fellows and any wrong at their hands. When the Thirty, by the evil arts of slander-mongers, were established in the government, and declared that the city must be purged of unjust men and the rest of the citizens inclined to virtue and justice, despite these professions they had the effrontery to discard them in practice, as I shall endeavour to remind you by speaking first of my own concerns, and then of yours. Theognis and Peison[c] stated before the Thirty that among the resident aliens there were some who were embittered against their administration, and that therefore they had an excellent pretext for appearing to punish while in reality making money; in any case, the State was impoverished, and the government needed funds. They had no difficulty in persuading their hearers, for those men thought nothing of putting people to death, but a great deal of getting money. So they resolved to seize ten, of whom two should be poor men, that they might face the rest with the excuse that the thing had not been done for the sake of money,

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[b] *i.e.*, his sons, Polemarchus, Lysias and Euthydemus.

[c] Two of the Thirty.

πολιτείᾳ γεγένηται, ὥσπερ τι τῶν ἄλλων εὐλόγως
8 πεποιηκότες. διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον·
καὶ ἐμὲ μὲν ξένους ἑστιῶντα κατέλαβον, οὓς ἐξ-
ελάσαντες Πείσωνί με παραδιδόασιν· οἱ δὲ ἄλλοι εἰς
τὸ ἐργαστήριον ἐλθόντες τὰ ἀνδράποδα ἀπεγρά-
9 φοντο. ἐγὼ δὲ Πείσωνα μὲν ἠρώτων εἰ βούλοιτό
[121] με σῶσαι χρήματα λαβών. ὁ δ᾽ ἔφασκεν, εἰ πολλὰ
εἴη. εἶπον οὖν ὅτι τάλαντον ἀργυρίου ἕτοιμος εἴην
δοῦναι· ὁ δ᾽ ὡμολόγησε ταῦτα ποιήσειν. ἠπιστά-
μην μὲν οὖν ὅτι οὔτε θεοὺς οὔτ᾽ ἀνθρώπους νομίζει,
ὅμως δ᾽ ἐκ τῶν παρόντων ἐδόκει μοι ἀναγκαιό-
10 τατον εἶναι πίστιν παρ᾽ αὐτοῦ λαβεῖν. ἐπειδὴ δὲ
ὤμοσεν, ἐξώλειαν ἑαυτῷ καὶ τοῖς παισὶν ἐπαρώ-
μενος, λαβὼν τὸ τάλαντόν με σώσειν, εἰσελθὼν εἰς
τὸ δωμάτιον τὴν κιβωτὸν ἀνοίγνυμι. Πείσων δ᾽
αἰσθόμενος εἰσέρχεται, καὶ ἰδὼν τὰ ἐνόντα καλεῖ
τῶν ὑπηρετῶν δύο, καὶ τὰ ἐν τῇ κιβωτῷ λαβεῖν
11 ἐκέλευσεν. ἐπεὶ δὲ οὐχ ὅσον ὡμολόγητο εἶχεν,
ὦ ἄνδρες δικασταί, ἀλλὰ τρία τάλαντα ἀργυρίου
καὶ τετρακοσίους κυζικηνοὺς καὶ ἑκατὸν δαρεικοὺς[1]
καὶ φιάλας ἀργυρᾶς τέτταρας, ἐδεόμην αὐτοῦ
12 ἐφόδιά μοι δοῦναι, ὁ δ᾽ ἀγαπήσειν με ἔφασκεν, εἰ
τὸ σῶμα σώσω. ἐξιοῦσι δ᾽ ἐμοὶ καὶ Πείσωνι
ἐπιτυγχάνει Μηλόβιός τε καὶ Μνησιθείδης ἐκ τοῦ
ἐργαστηρίου ἀπιόντες, καὶ καταλαμβάνουσι πρὸς
αὐταῖς ταῖς θύραις, καὶ ἐρωτῶσιν ὅποι βαδίζοιμεν·
ὁ δ᾽ ἔφασκεν εἰς [τὰ][2] τοῦ ἀδελφοῦ τοῦ ἐμοῦ, ἵνα
καὶ τὰ ἐν ἐκείνῃ τῇ οἰκίᾳ σκέψηται. ἐκεῖνον μὲν

[1] δαρεικοὺς Maussac: καρικοὺς mss.

[2] τὰ del. Scheibe.

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[a] Where Lysias and his brother carried on the manufacture of arms.

but had been brought about in the interest of the State, just as if they had taken some ordinary reasonable action. They apportioned the houses amongst them, and began their visits: they found me entertaining guests, and after driving these out they handed me over to Peison. The others went to the factory[a] and proceeded to make a list of the slaves. I asked Peison if he would save me for a price: he assented, on condition that it was a high one. So I said that I was prepared to give him a talent of silver, and he agreed to my proposal. I knew well, indeed, that he had no regard either for gods or for men; but still, in the circumstances, I thought it imperative to get him pledged. When he had sworn, invoking annihilation upon himself and his children if he did not save me on receipt of the talent, I went into my bedroom and opened the money-chest. Peison noticed it and came in; on seeing its contents he called two of his underlings and bade them take what was in the chest. Since he now had, instead of the agreed amount, gentlemen, three talents of silver, four hundred cyzicenes, a hundred darics[b] and four silver cups, I begged him to give me money for my journey; but he declared that I should be glad enough to save my skin. As Peison and I were coming out, we were met by Melobius and Mnesitheides,[c] who were on their way from the factory: they lighted upon us just at the door, and asked where we were going. Peison declared that he was off to my brother's, for the purpose of examining the property in that house also. So they bade him go his way, but told

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[b] A stater of Cyzicus was a coin equal to 28 Attic drachmae, and a Persian daric was one of slightly less value.

[c] Two of the Thirty.

οὖν ἐκέλευον βαδίζειν, ἐμὲ δὲ μεθ’ αὐτῶν ἀκολουθεῖν
13 εἰς Δαμνίππου. Πείσων δὲ προσελθὼν σιγᾶν
μοι παρεκελεύετο καὶ θαρρεῖν, ὡς ἥξων ἐκεῖσε.
καταλαμβάνομεν δὲ αὐτόθι Θέογνιν ἑτέρους φυλάττοντα·
ᾧ παραδόντες ἐμὲ πάλιν ᾤχοντο. ἐν
τοιούτῳ δ’ ὄντι μοι κινδυνεύειν ἐδόκει, ὡς τοῦ γε
14 ἀποθανεῖν ὑπάρχοντος ἤδη. καλέσας δὲ Δάμνιππον
λέγω πρὸς αὐτὸν τάδε, “ ἐπιτήδειος μέν μοι
τυγχάνεις ὤν, ἥκω δ’ εἰς τὴν σὴν οἰκίαν, ἀδικῶ δ’
οὐδέν, χρημάτων δ’ ἕνεκα ἀπόλλυμαι. σὺ οὖν
ταῦτα πάσχοντί μοι πρόθυμον παράσχου τὴν σεαυτοῦ
δύναμιν εἰς τὴν ἐμὴν σωτηρίαν.” ὁ δ’ ὑπέσχετο
ταῦτα ποιήσειν. ἐδόκει δ’ αὐτῷ βέλτιον εἶναι
πρὸς Θέογνιν μνησθῆναι· ἡγεῖτο γὰρ ἅπαν ποιήσειν
15 αὐτόν, εἴ τις ἀργύριον διδοίη. ἐκείνου δὲ διαλεγομένου
Θεόγνιδι (ἔμπειρος γὰρ ὢν ἐτύγχανον τῆς
οἰκίας, καὶ ᾔδη ὅτι ἀμφίθυρος εἴη) ἐδόκει μοι
ταύτῃ πειρᾶσθαι σωθῆναι, ἐνθυμουμένῳ ὅτι, ἐὰν
μὲν λάθω, σωθήσομαι, ἐὰν δὲ ληφθῶ, ἡγούμην μέν,
εἰ Θέογνις εἴη πεπεισμένος ὑπὸ τοῦ Δαμνίππου
χρήματα λαβεῖν, οὐδὲν ἧττον ἀφεθήσεσθαι, εἰ δὲ
16 μή, ὁμοίως ἀποθανεῖσθαι. ταῦτα διανοηθεὶς ἔφευγον,
ἐκείνων ἐπὶ τῇ αὐλείῳ θύρᾳ τὴν φυλακὴν
ποιουμένων· τριῶν δὲ θυρῶν οὐσῶν, ἃς ἔδει με
διελθεῖν, ἅπασαι ἀνεῳγμέναι ἔτυχον. ἀφικόμενος
δὲ εἰς Ἀρχένεω τοῦ ναυκλήρου ἐκεῖνον πέμπω εἰς
ἄστυ, πευσόμενον περὶ τοῦ ἀδελφοῦ· ἥκων δὲ
ἔλεγεν ὅτι Ἐρατοσθένης αὐτὸν ἐν τῇ ὁδῷ λαβὼν
17 εἰς τὸ δεσμωτήριον ἀπαγάγοι. καὶ ἐγὼ τοιαῦτα

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[a] The front door, or gate on the street, opening into the courtyard.

me to follow along with them to Damnippus's house. Peison came up and urged me to keep silent and have no fear, as he was coming on to that place. There we found Theognis guarding some others; they handed me over to him, and went off again. Situated as I was, I decided to take a risk, since death was already my portion. I called Damnippus and said to him: "You are in friendly relations with me, and I have come into your house; I have done no wrong, but am being destroyed for the sake of my money. This being my plight, exert your own utmost efforts for my salvation." He promised to do so; and he decided that he had better mention it to Theognis, as he believed that he would do anything for an offer of money. While he was in conversation with Theognis—I happened to be familiar with the house, and knew that it had doors front and back—I decided to try this means of saving myself, reflecting that, if I should be unobserved, I should be saved; while, if I were caught, I expected that, should Theognis be induced by Damnippus to take money, I should get off none the less, but should he not, I should be put to death just the same. With these conclusions I took to flight, while they were keeping guard over the courtyard door[a]: there were three doors[b] for me to pass through, and they all chanced to be open. I reached the house of Archeneos the ship-captain, and sent him into town to inquire after my brother: on his return he told me that Eratosthenes had arrested him in the street and taken him off to prison. Thus apprised of his fate, I sailed

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[b] Probably these divided the courtyard from the inner court, the inner court from the garden, and the garden from the back street.

πεπυσμένος τῆς ἐπιούσης νυκτὸς διέπλευσα Μέγαράδε.
Πολεμάρχῳ δὲ παρήγγειλαν οἱ τριάκοντα
τοὐπ'[1] ἐκείνων εἰθισμένον παράγγελμα, πίνειν
κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν δι' ἥντινα ἔμελλεν
ἀποθανεῖσθαι· οὕτω πολλοῦ ἐδέησε κριθῆναι καὶ
18 ἀπολογήσασθαι. καὶ ἐπειδὴ ἀπεφέρετο ἐκ τοῦ
δεσμωτηρίου τεθνεώς, τριῶν ἡμῖν οἰκιῶν οὐσῶν
<ἐξ>[2] οὐδεμιᾶς εἴασαν ἐξενεχθῆναι, ἀλλὰ κλεισίον
μισθωσάμενοι προὔθεντο αὐτόν. καὶ πολλῶν ὄντων
ἱματίων αἰτοῦσιν οὐδὲν ἔδοσαν εἰς τὴν ταφήν,
ἀλλὰ τῶν φίλων ὁ μὲν ἱμάτιον, ὁ δὲ προσκεφάλαιον,
ὁ δὲ ὅ τι ἕκαστος ἔτυχεν ἔδωκεν εἰς
19 τὴν ἐκείνου ταφήν. καὶ ἔχοντες μὲν ἑπτακοσίας
ἀσπίδας τῶν ἡμετέρων, ἔχοντες δὲ ἀργύριον καὶ
χρυσίον τοσοῦτον, χαλκὸν δὲ καὶ κόσμον καὶ ἔπιπλα
καὶ ἱμάτια γυναικεῖα ὅσα οὐδεπώποτε ᾤοντο
κτήσεσθαι, καὶ ἀνδράποδα εἴκοσι καὶ ἑκατόν,
ὧν τὰ μὲν βέλτιστα ἔλαβον, τὰ δὲ λοιπὰ εἰς τὸ
δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστίαν καὶ
αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ
αὑτῶν ἀπόδειξιν ἐποιήσαντο· τῆς γὰρ Πολεμάρχου
γυναικὸς χρυσοῦς ἑλικτῆρας, οὓς ἔχουσα ἐτύγχανεν,
20 ὅτε τὸ πρῶτον ἦλθεν εἰς τὴν οἰκίαν, Μηλόβιος
[122] ἐκ τῶν ὤτων ἐξείλετο. καὶ οὐδὲ κατὰ τὸ
ἐλάχιστον μέρος τῆς οὐσίας ἐλέου παρ' αὐτῶν
ἐτυγχάνομεν. ἀλλ' οὕτως εἰς ἡμᾶς διὰ τὰ χρήματα
ἐξημάρτανον, ὥσπερ ἂν ἕτεροι μεγάλων ἀδικημάτων
ὀργὴν ἔχοντες, οὐ τούτων ἀξίους γε ὄντας[3]
τῇ πόλει, ἀλλὰ πάσας <μὲν>[4] τὰς χορηγίας

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[1] τοὐπ' Fritzsche: τὸ ὑπ' MSS.

[2] ἐξ add. Cobet.

[3] γε ὄντας edd.: ἔχοντας MSS.

across on the following night to Megara. Polemarchus received from the Thirty their accustomed order to drink hemlock, with no statement made as to the reason for his execution: still less was he allowed to be tried and defend himself. And when he was being brought away dead from the prison, although we had three houses amongst us, they did not permit his funeral to be conducted from any of them, but they hired a small hut in which to lay him out. We had plenty of cloaks, yet they refused our request of one for the funeral; but our friends gave either a cloak, or a pillow, or whatever each had to spare, for his interment. They had seven hundred shields of ours, they had all that silver and gold, with copper, jewellery, furniture and women's apparel beyond what they had ever expected to get; also a hundred and twenty slaves, of whom they took the ablest, delivering the rest to the Treasury; and yet to what extremes of insatiable greed for gain did they go, in this revelation that they made of their personal character! For some twisted gold earrings, which Polemarchus's wife had in her possession when she first came into his house, were taken out of her ears by Melobius. And not even in respect of the smallest fraction of our property did we find any mercy at their hands; but our wealth impelled them to act as injuriously towards us as others might from anger aroused by grievous wrongs. This was not the treatment that we deserved at the city's hands, when we had produced all our dramas for the festivals,[a] and contributed to

[a] Referring to the expensive duty, imposed on wealthy citizens, of equipping a chorus for a dramatic performance.

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[4] μὲν add. Reiske.

χορηγήσαντας, πολλὰς δ' εἰσφορὰς εἰσενεγκόντας,[1]
κοσμίους δ' ἡμᾶς αὐτοὺς παρέχοντας καὶ πᾶν τὸ
προσταττόμενον ποιοῦντας, ἐχθρὸν δ' οὐδένα κε-
κτημένους, πολλοὺς δ' Ἀθηναίων ἐκ τῶν πολεμίων
λυσαμένους· τοιούτων ἠξίωσαν οὐχ ὁμοίως μετ-
21 οικοῦντας ὥσπερ αὐτοὶ ἐπολιτεύοντο. οὗτοι γὰρ
πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξ-
ήλασαν, πολλοὺς δ' ἀδίκως ἀποκτείναντες ἀτάφους
ἐποίησαν, πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους [τῆς
πόλεως][2] κατέστησαν, πολλῶν δὲ θυγατέρας μελ-
22 λούσας ἐκδίδοσθαι ἐκώλυσαν. καὶ εἰς τοσοῦτόν
εἰσι τόλμης ἀφιγμένοι ὥσθ' ἥκουσιν ἀπολογησόμενοι,
καὶ λέγουσιν ὡς οὐδὲν κακὸν οὐδ' αἰσχρὸν εἰργα-
σμένοι εἰσίν. ἐγὼ δ' ἐβουλόμην ἂν αὐτοὺς ἀληθῆ
λέγειν· μετῆν γὰρ ἂν καὶ ἐμοὶ τούτου τἀγαθοῦ οὐκ
23 ἐλάχιστον μέρος. νῦν δὲ οὔτε πρὸς τὴν πόλιν
αὐτοῖς τοιαῦτα ὑπάρχει οὔτε πρὸς ἐμέ· τὸν ἀδελ-
φὸν γάρ μου, ὥσπερ καὶ πρότερον εἶπον, Ἐρατο-
σθένης ἀπέκτεινεν, οὔτε αὐτὸς ἰδίᾳ ἀδικούμενος οὔτε
εἰς τὴν πόλιν ὁρῶν ἐξαμαρτάνοντα, ἀλλὰ τῇ ἑαυτοῦ
24 παρανομίᾳ προθύμως ἐξυπηρετῶν. ἀναβιβασά-
μενος δ' αὐτὸν βούλομαι ἐρέσθαι, ὦ ἄνδρες δικα-
σταί. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ τού-
του ὠφελείᾳ καὶ πρὸς ἕτερον περὶ τούτου δια-
λέγεσθαι ἀσεβὲς εἶναι νομίζω, ἐπὶ δὲ τῇ τούτου
βλάβῃ καὶ πρὸς αὐτὸν τοῦτον ὅσιον καὶ εὐσεβές.
ἀνάβηθι οὖν μοι καὶ ἀπόκριναι, ὅ τι ἄν σε ἐρωτῶ.
25 Ἀπήγαγες Πολέμαρχον ἢ οὔ; Τὰ ὑπὸ τῶν

[1] *εἰσενεγκόντας* Markland: *ἐνεγκόντας* MSS.
[2] *τῆς πόλεως* del. Markland.

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[a] Property-taxes were levied in times of war or other emergency.

many special levies[a]; when we showed ourselves men of orderly life, and performed every duty laid upon us; when we had made not a single enemy, but had ransomed many Athenians from the foe. Such was their reward to us for behaving as resident aliens far otherwise than they did as citizens! For they sent many of the citizens into exile with the enemy; they unjustly put many of them to death, and then deprived them of burial; many who had full civic rights they excluded from the citizenship; and the daughters of many they debarred from intended marriage. And they have carried audacity to such a pitch that they come here ready to defend themselves, and state that they are guilty of no vile or shameful action. I myself could have wished that their statement were true; for my own share in that benefit would not have been of the smallest. But in fact they have nothing of the sort to show in regard either to the city or to me: my brother, as I said before, was put to death by Eratosthenes, who was neither suffering under any private wrong himself, nor found him offending against the State, but merely sought to gratify his own lawless passions. I propose to put him up on the daïs and question him, gentlemen of the jury. For my feeling is this: even to discuss this man with another for his profit I consider to be an impiety, but even to address this man himself, when it is for his hurt,[b] I regard as a holy and pious action. So mount the daïs, please, and answer the questions I put to you.

Did you arrest Polemarchus or not?—I was acting

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[b] There was risk of pollution in addressing an unpurified murderer; *cf.* Aeschyl. *Eumen.* 448, Eurip. *Orestes* 75.

ἀρχόντων προσταχθέντα δεδιὼς ἐποίουν. Ἦσθα δ᾽ ἐν τῷ βουλευτηρίῳ, ὅτε οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν; Ἦ. Πότερον συνηγόρευες τοῖς κελεύουσιν ἀποκτεῖναι ἢ ἀντέλεγες; Ἀντέλεγον. Ἵνα μὴ ἀποθάνωμεν; Ἵνα μὴ ἀποθάνητε. Ἡγούμενος ἡμᾶς ἄδικα πάσχειν ἢ δίκαια; Ἄδικα.

26 Εἶτ᾽, ὦ σχετλιώτατε πάντων, ἀντέλεγες μὲν ἵνα σώσειας, συνελάμβανες δὲ ἵνα ἀποκτείνῃς; καὶ ὅτε μὲν τὸ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέρας, ἀντιλέγειν φῇς τοῖς βουλομένοις ἡμᾶς ἀπολέσαι, ἐπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σῶσαι Πολέμαρχον καὶ μή, εἰς τὸ δεσμωτήριον ἀπήγαγες; εἶθ᾽ ὅτι μέν, ὡς φῄς, ἀντειπὼν οὐδὲν ὠφέλησας, ἀξιοῖς χρηστὸς νομίζεσθαι, ὅτι δὲ συλλαβὼν ἀπέκτεινας, οὐκ [οἴει][1] ἐμοὶ καὶ τουτοισὶ δοῦναι δίκην;

27 Καὶ μὴν οὐδὲ τοῦτο εἰκὸς αὐτῷ πιστεύειν, εἴπερ ἀληθῆ λέγει φάσκων ἀντειπεῖν, ὡς αὐτῷ προσετάχθη.[2] οὐ γὰρ δήπου ἐν τοῖς μετοίκοις πίστιν παρ᾽ αὐτοῦ ἐλάμβανον. ἔπειτα τῷ ἧττον[3] εἰκὸς ἦν προσταχθῆναι ἢ ὅστις ἀντειπών γε ἐτύγχανε καὶ γνώμην ἀποδεδειγμένος; τίνα γὰρ εἰκὸς ἦν ἧττον ταῦτα ὑπηρετῆσαι ἢ τὸν ἀντειπόντα οἷς
28 ἐκεῖνοι ἐβούλοντο πραχθῆναι; ἔτι δὲ τοῖς μὲν ἄλλοις Ἀθηναίοις ἱκανή μοι δοκεῖ πρόφασις εἶναι τῶν γεγενημένων εἰς τοὺς τριάκοντα ἀναφέρειν τὴν αἰτίαν· αὐτοὺς δὲ τοὺς τριάκοντα, ἐὰν εἰς σφᾶς

[1] οἴει del. Madvig.
[2] προσετάχθη Reiske: ἐτάχθη mss.
[3] ἧττον Canter: πίστιν mss.

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[a] After such opposition, they would surely test him by ordering him to arrest a citizen of standing.

on the orders of the government, from fear.—Were you in the Council-chamber when the statements were being made about us?—I was.—Did you speak in support or in opposition of those who were urging the death sentence?—In opposition.—You were against taking our lives?—Against taking your lives.—In the belief that our fate was unjust, or just?—That it was unjust.

So then, most abandoned of mankind, you spoke in opposition to save us, but you helped in our arrest to put us to death! And when our salvation depended on the majority of your body, you assert that you spoke in opposition to those who sought our destruction; but when it rested with you alone to save Polemarchus or not, you arrested him and put him in prison. So then, because you failed to help him, as you say, by your speech in opposition, you claim to be accounted a good citizen, while for having apprehended him and put him to death you are not to give satisfaction to me and to this court!

And further, supposing he is truthful in asserting that he spoke in opposition, observe that there is no reason to credit his plea that he acted under orders. For I presume it was not where the resident aliens were concerned that they sought to put him to the proof.[a] And then, who was less likely to be given such orders than the man who was found to have spoken in opposition and to have declared his opinion? For who was likely to be less active in this service than the man who spoke in opposition to the object that they had at heart? Again, the rest of the Athenians have a sufficient excuse, in my opinion, for attributing to the Thirty the responsibility for what has taken place; but if

αὐτοὺς ἀναφέρωσι, πῶς ὑμᾶς εἰκὸς ἀποδέχεσθαι;
29 εἰ μὲν γάρ τις ἦν ἐν τῇ πόλει ἀρχὴ ἰσχυροτέρα
[αὐτῆς],[1] ὑφ' ἧς αὐτῷ προσετάττετο παρὰ
τὸ δίκαιον ἀνθρώπους ἀπολλύναι, ἴσως ἂν εἰκότως
αὐτῷ συγγνώμην εἴχετε· νῦν δὲ παρὰ τοῦ[2] ποτε
καὶ λήψεσθε δίκην, εἴπερ ἐξέσται τοῖς τριάκοντα
λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα
30 ἐποίουν; καὶ μὲν δὴ οὐκ ἐν τῇ οἰκίᾳ ἀλλ' ἐν τῇ
ὁδῷ, σῴζειν τε αὐτὸν καὶ τὰ τούτοις ἐψηφισμένα
παρόν,[3] συλλαβὼν ἀπήγαγεν. ὑμεῖς δὲ πᾶσιν[4]
ὀργίζεσθε, ὅσοι εἰς τὰς οἰκίας ἦλθον τὰς ὑμετέρας
ζήτησιν ποιούμενοι ἢ ὑμῶν ἢ τῶν ὑμετέρων τινός.
31 καίτοι εἰ χρὴ τοῖς[5] διὰ τὴν ἑαυτῶν σωτηρίαν
[123] ἑτέρους ἀπολέσασι συγγνώμην ἔχειν, ἐκείνοις ἂν
δικαιότερον ἔχοιτε· κίνδυνος γὰρ ἦν πεμφθεῖσι μὴ
ἐλθεῖν καὶ καταλαβοῦσιν ἐξάρνοις γενέσθαι. τῷ
δὲ Ἐρατοσθένει ἐξῆν εἰπεῖν ὅτι οὐκ ἀπήντησεν,
ἔπειτα ὅτι οὐκ εἶδεν· ταῦτα γὰρ οὔτ' ἔλεγχον οὔτε
βάσανον εἶχεν, ὥστε μηδ' ὑπὸ τῶν ἐχθρῶν βουλομένων
32 οἷόν τ' εἶναι ἐξελεγχθῆναι. χρῆν δέ σε, ὦ
Ἐρατόσθενες, εἴπερ ἦσθα χρηστός, πολὺ μᾶλλον
τοῖς μέλλουσιν ἀδίκως ἀποθανεῖσθαι μηνυτὴν
γενέσθαι ἢ τοὺς ἀδίκως ἀπολουμένους συλλαμβάνειν.
νῦν δέ σου τὰ ἔργα φανερὰ γεγένηται οὐχ
ὡς ἀνιωμένου ἀλλ' ὡς ἡδομένου τοῖς γιγνομένοις,
33 ὥστε τούσδε ἐκ τῶν ἔργων χρὴ μᾶλλον ἢ ἐκ τῶν

[1] αὐτῆς del. Dobree.

[2] παρὰ τοῦ Canter: παρ' αὐτοῦ mss.

[3] σῴζειν τε et παρόν Sauppe: σώζοντα et ὂν mss.

[4] πᾶσιν Reiske: πάντες mss.

[5] τοῖς Reiske: τούτοις mss.

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[a] *i.e.*, he could have let him escape there without any breach of the orders of the Thirty; but the people feel anger even

the Thirty actually attribute it to themselves, how can you reasonably accept that? For had there been some stronger authority in the city, whose orders were given him to destroy people in defiance of justice, you might perhaps have some reason for pardoning him; but whom, in fact, will you ever punish, if the Thirty are to be allowed to state that they merely carried out the orders of the Thirty? Besides, it was not in his house, but in the street, where he was free to leave both him and the decrees of the Thirty intact,[a] that he apprehended him and took him off to prison. You feel anger against everyone who entered your houses in search either of yourselves or of some member of your household: yet, if there is to be pardon for those who have destroyed others to save themselves, you would be more justified in pardoning these intruders; for it was dangerous for them not to go where they were sent, and to deny that they had found the victims there. But Eratosthenes was free to say that he had not met his man, or else that he had not seen him: for these were statements that did not admit of either disproof or inquisition; so that not even his enemies, however they might wish it, could have convicted him. If in truth, Eratosthenes, you had been a good citizen, you ought far rather to have acted as an informant to those who were destined to an unjust death than to have laid hands on those who were to be unjustly destroyed. But the fact is that your deeds clearly reveal the man who, instead of feeling pain, took pleasure in what was being done; so that this court should take its verdict from your deeds, not

against those who sought their victims indoors, where there was little possibility of conniving at their escape.

λόγων τὴν ψῆφον φέρειν, ἃ ἴσασι γεγενημένα τῶν
τότε λεγομένων τεκμήρια λαμβάνοντας, ἐπειδὴ
μάρτυρας περὶ αὐτῶν οὐχ οἷόν τε παρασχέσθαι.
οὐ γὰρ μόνον ἡμῖν παρεῖναι οὐκ ἐξῆν, ἀλλ' οὐδὲ
παρ' αὑτοῖς εἶναι, ὥστ' ἐπὶ τούτοις ἐστὶ πάντα τὰ
κακὰ εἰργασμένοις τὴν πόλιν πάντα τἀγαθὰ περὶ
34 αὑτῶν λέγειν. τοῦτο μέντοι οὐ φεύγω, ἀλλ'
ὁμολογῶ σοι, εἰ βούλει, ἀντειπεῖν. θαυμάζω δὲ
τί ἄν ποτ' ἐποίησας συνειπών, ὁπότε ἀντειπεῖν
φάσκων ἀπέκτεινας Πολέμαρχον.[a]

Φέρε δή, τί ἄν, εἰ καὶ ἀδελφοὶ ὄντες ἐτύχετε
αὐτοῦ ἢ καὶ υἱεῖς; ἀπεψηφίσασθε; δεῖ γάρ, ὦ ἄνδρες
δικασταί, Ἐρατοσθένην δυοῖν θάτερον ἀποδεῖξαι,
ἢ ὡς οὐκ ἀπήγαγεν αὐτόν, ἢ ὡς δικαίως τοῦτ'
ἔπραξεν. οὗτος δὲ ὡμολόγηκεν ἀδίκως συλλαβεῖν,
ὥστε ῥᾳδίαν ὑμῖν τὴν διαψήφισιν περὶ αὐτοῦ
35 πεποίηκε. καὶ μὲν δὴ πολλοὶ καὶ τῶν ἀστῶν καὶ
τῶν ξένων ἥκουσιν εἰσόμενοι τίνα γνώμην περὶ
τούτων ἕξετε. ὧν οἱ μὲν ὑμέτεροι ὄντες πολῖται
μαθόντες ἀπίασιν ὅτι ἢ δίκην δώσουσιν ὧν
ἂν ἐξαμάρτωσιν, ἢ πράξαντες μὲν ὧν ἐφίενται
τύραννοι τῆς πόλεως ἔσονται, δυστυχήσαντες δὲ
τὸ ἴσον ὑμῖν ἕξουσιν· ὅσοι δὲ ξένοι ἐπιδημοῦσιν,
εἴσονται πότερον ἀδίκως τοὺς τριάκοντα ἐκκηρύττουσιν
ἐκ τῶν πόλεων ἢ δικαίως. εἰ γὰρ δὴ αὐτοὶ
οἱ κακῶς πεπονθότες λαβόντες ἀφήσουσιν, ἦ που
σφᾶς ⟨γ'⟩[1] αὐτοὺς ἡγήσονται περιέργους ὑπὲρ

[1] γ' add. Fuhr.

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[a] By stating that he spoke against it.

from your words. They should take what they know to have been done as evidence of what was said at the time, since it is not possible to produce witnesses of the latter. For we were restricted, not merely from attending their councils, but even from staying at home; and thus they have the licence, after doing all possible evil to the city, to say all possible good about themselves. That one point, however, I do not contest: I admit, if you like, that you spoke in opposition. But I wonder what in the world you would have done if you had spoken in favour, when in spite of your alleged opposition you put Polemarchus to death.

Now I would ask the court, even supposing that you had happened to be brothers or sons of this man, what would you have done? Acquitted him? For, gentlemen, Eratosthenes is bound to prove one of two things,—either that he did not arrest him, or that he did so with justice. But he has admitted that he laid hands on him unjustly,[a] so that he has made your verdict on himself an easy matter. And besides, many foreigners as well as townsfolk have come here to know what is to be your judgement on these men. The latter sort, your fellow-citizens, will have learnt before they leave, either that they will be punished for their offences, or that, if they succeed in their aims, they will be despots of the city, but, if they are disappointed, will be on an equality with you. As for all the foreigners who are staying in town, they will know whether they are acting unjustly or justly in banning the Thirty from their cities. For if the very people who have suffered injury from them are to let them go when they have hold of them, of course they will consider it a waste of pains on their

36 ὑμῶν τηρουμένους. οὐκ οὖν δεινὸν εἰ τοὺς μὲν
στρατηγούς, οἳ ἐνίκων ναυμαχοῦντες, ὅτε διὰ
χειμῶνα οὐχ οἷοί τ' ἔφασαν εἶναι τοὺς ἐκ τῆς
θαλάττης ἀνελέσθαι, θανάτῳ ἐζημιώσατε, ἡγούμενοι
χρῆναι τῇ τῶν τεθνεώτων ἀρετῇ παρ' ἐκείνων δίκην
λαβεῖν, τούτους δέ, οἳ ἰδιῶται μὲν ὄντες καθ' ὅσον
ἐδύναντο ἐποίησαν ἡττηθῆναι ναυμαχοῦντας, ἐπειδὴ
δὲ εἰς τὴν ἀρχὴν κατέστησαν, ὁμολογοῦσιν ἑκόντες
πολλοὺς τῶν πολιτῶν ἀκρίτους ἀποκτιννύναι, οὐκ
ἄρα χρὴ αὐτοὺς καὶ τοὺς παῖδας ὑφ' ὑμῶν ταῖς
ἐσχάταις ζημίαις κολάζεσθαι;
37 Ἐγὼ τοίνυν, ὦ ἄνδρες δικασταί, ἠξίουν ἱκανὰ
εἶναι τὰ κατηγορημένα· μέχρι γὰρ τούτου νομίζω
χρῆναι κατηγορεῖν, ἕως ἂν θανάτου δόξῃ τῷ
φεύγοντι ἄξια εἰργάσθαι. ταύτην γὰρ ἐσχάτην
δίκην δυνάμεθα παρ' αὐτῶν λαβεῖν. ὥστ' οὐκ
οἶδ' ὅ τι δεῖ πολλὰ κατηγορεῖν τοιούτων ἀνδρῶν,
οἳ οὐδ' ὑπὲρ ἑνὸς ἑκάστου τῶν πεπραγμένων δὶς
ἀποθανόντες δίκην δοῦναι δύναιντ' ἂν <ἀξίαν>[1].
38 οὐ γὰρ δὴ οὐδὲ τοῦτο αὐτῷ προσήκει ποιῆσαι,
ὅπερ ἐν τῇδε τῇ πόλει εἰθισμένον ἐστί, πρὸς μὲν
τὰ κατηγορημένα μηδὲν ἀπολογεῖσθαι, περὶ δὲ
σφῶν αὐτῶν ἕτερα λέγοντες ἐνίοτε ἐξαπατῶσιν,
ὑμῖν ἀποδεικνύντες ὡς στρατιῶται ἀγαθοί εἰσιν,
ἢ ὡς πολλὰς τῶν πολεμίων ναῦς ἔλαβον τριηραρχήσαντες,
<ἢ>[2] πόλεις πολεμίας οὔσας φίλας
39 ἐποίησαν· ἐπεὶ κελεύετε αὐτὸν ἀποδεῖξαι ὅπου
τοσούτους τῶν πολεμίων ἀπέκτειναν ὅσους τῶν

[1] ἀξίαν add. Frohberger.

[2] ἢ add. Markland.

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[a] At Arginusae, 406 B.C.

[b] It was suspected that both at Arginusae and at Aegos-

own part to keep watch on your behalf. And how monstrous it would be, when you have punished with death the commanders who won the victory at sea[a]—they said that a storm prevented them from picking up the men in the water, but you felt that you must make them give satisfaction to the valour of the dead—if these men, who as ordinary persons used their utmost endeavours towards your defeat in the sea-fights,[b] and then, once established in power, admit that of their own free will they put to death many of the citizens without a trial,—if these men, I say, and their children are not to be visited by you with the extreme penalty of the law!

Now I, gentlemen, might almost claim that the accusations you have heard are sufficient: for I consider that an accuser ought to go no further than to show that the defendant has committed acts that merit death; since this is the extreme penalty that we have power to inflict upon him. So I doubt if there is any need to prolong one's accusation of such men as these; for not even if they underwent two deaths for each one of their deeds could they pay the penalty in full measure. And note that he cannot even resort to the expedient, so habitual among our citizens, of saying nothing to answer the counts of the accusation, but making other statements about themselves which at times deceive you; they represent to you that they are good soldiers, or have taken many vessels of the enemy while in command of war-ships, or have won over cities from hostility to friendship. Why, only tell him to point out where they killed as many of our enemies as they have of

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potami members of the oligarchic party had been working for the defeat of Athens by Sparta.

πολιτῶν, ἢ ναῦς ὅπου τοσαύτας ἔλαβον ὅσας αὐτοὶ
παρέδοσαν, ἢ πόλιν ἥντινα τοιαύτην προσεκτήσαντο
40 οἵαν τὴν ὑμετέραν κατεδουλώσαντο. ἀλλὰ γὰρ
ὅπλα τῶν πολεμίων <τοσαῦτα>[1] ἐσκύλευσαν ὅσα
περ ὑμῶν ἀφείλοντο, ἀλλὰ τείχη τοιαῦτα εἷλον οἷα
[124] τῆς ἑαυτῶν πατρίδος κατέσκαψαν; οἵτινες καὶ
τὰ περὶ τὴν Ἀττικὴν φρούρια καθεῖλον, καὶ ὑμῖν
ἐδήλωσαν ὅτι οὐδὲ τὸν Πειραιᾶ Λακεδαιμονίων
προσταττόντων περιεῖλον, ἀλλ' ὅτι ἑαυτοῖς[2] τὴν
ἀρχὴν οὕτω βεβαιοτέραν ἐνόμιζον εἶναι.

41 Πολλάκις οὖν ἐθαύμασα τῆς τόλμης τῶν λεγόντων
ὑπὲρ αὐτοῦ,[3] πλὴν ὅταν ἐνθυμηθῶ ὅτι τῶν αὐτῶν
ἐστιν αὐτούς τε πάντα τὰ κακὰ ἐργάζεσθαι καὶ
42 τοὺς τοιούτους ἐπαινεῖν. οὐ γὰρ νῦν πρῶτον τῷ
ὑμετέρῳ πλήθει τὰ ἐναντία ἔπραξεν, ἀλλὰ καὶ ἐπὶ
τῶν τετρακοσίων ἐν τῷ στρατοπέδῳ ὀλιγαρχίαν
καθιστὰς ἔφευγεν ἐξ Ἑλλησπόντου τριήραρχος
καταλιπὼν τὴν ναῦν, μετὰ Ἰατροκλέους καὶ ἑτέρων,
ὧν τὰ ὀνόματα οὐδὲν δέομαι λέγειν. ἀφικόμενος δὲ
δεῦρο τἀναντία τοῖς βουλομένοις δημοκρατίαν εἶναι
ἔπραττε. καὶ τούτων μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

43 Τὸν μὲν τοίνυν μεταξὺ βίον αὐτοῦ παρήσω·
ἐπειδὴ δὲ ἡ ναυμαχία καὶ ἡ συμφορὰ τῇ πόλει
ἐγένετο, δημοκρατίας ἔτι οὔσης, ὅθεν τῆς στάσεως
ἦρξαν, πέντε ἄνδρες ἔφοροι κατέστησαν ὑπὸ τῶν
καλουμένων ἑταίρων, συναγωγεῖς μὲν τῶν πολιτῶν,

[1] τοσαῦτα add. Reiske. [2] ὅτι ἑαυτοῖς Sluiter: οἷς αὐτοῖς MSS.
[3] αὐτοῦ Dobree: αὐτῶν MSS.

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[a] 411 B.C. [b] The battle of Aegospotami, in 405 B.C.
[c] In imitation of the "Ephors," who were the five chief magistrates of Sparta.

our citizens, or where they took as many ships as they themselves surrendered, or what city they enlisted to compare with yours which they enslaved. Nay, indeed, did they despoil the enemy of as many arms as they stripped from you? Did they capture fortifications to compare with those of their own country which they razed to the ground? They are the men who pulled down the forts around Attica, and made it evident to you that even in dismantling the Peiraeus they were not obeying the injunctions of the Lacedaemonians, but were thinking to make their own authority the more secure.

I have often wondered, therefore, at the audacity of those who speak in his defence, except when I reflect that the same men who commit every sort of crime are wont also to commend those who act in a similar way. For this is not the first occasion of his working in opposition to your people: in the time of the Four Hundred [a] also, seeking to establish an oligarchy in the army, he abandoned the war-ship which he was commanding and fled from the Hellespont with Iatrocles and others whose names I have no call to mention. On his arrival here he worked in opposition to those who were promoting a democracy. I will present you with witnesses to these facts.

WITNESSES

Now his life in the interval I will here pass over: but when the sea-fight [b] took place, with the disaster that befell the city, and while we still had a democracy (at this point they started the sedition), five men were set up as overseers [c] by the so-called "clubmen," to be organizers of the citizens as well as chiefs

ἄρχοντες δὲ τῶν συνωμοτῶν, ἐναντία δὲ τῷ
ὑμετέρῳ πλήθει πράττοντες· ὧν Ἐρατοσθένης καὶ
44 Κριτίας ἦσαν. οὗτοι δὲ φυλάρχους τε ἐπὶ τὰς
φυλὰς[1] κατέστησαν, καὶ ὅ τι δέοι χειροτονεῖσθαι
καὶ οὕστινας χρείη[2] ἄρχειν παρήγγελλον, καὶ εἴ τι
ἄλλο πράττειν βούλοιντο, κύριοι ἦσαν· οὕτως οὐχ
ὑπὸ τῶν πολεμίων μόνον ἀλλὰ καὶ ὑπὸ τούτων
πολιτῶν ὄντων ἐπεβουλεύεσθε ὅπως μήτ᾽ ἀγαθὸν
45 μηδὲν ψηφιεῖσθε[3] πολλῶν τε ἐνδεεῖς ἔσεσθε. τοῦτο
γὰρ καλῶς[4] ἠπίσταντο, ὅτι ἄλλως μὲν οὐχ οἷοί
τε ἔσονται περιγενέσθαι, κακῶς δὲ πραττόντων
δυνήσονται· καὶ ὑμᾶς ἡγοῦντο τῶν παρόντων κακῶν
ἐπιθυμοῦντας ἀπαλλαγῆναι περὶ τῶν μελλόντων
46 οὐκ ἐνθυμήσεσθαι. ὡς τοίνυν τῶν ἐφόρων ἐγένετο,
μάρτυρας ὑμῖν παρέξομαι, οὐ τοὺς τότε συμπράττοντας
(οὐ γὰρ ἂν δυναίμην), ἀλλὰ τοὺς αὐτοῦ
47 Ἐρατοσθένους ἀκούσαντας. καίτοι εἰ ἐσωφρόνουν
κατεμαρτύρουν ἂν αὐτῶν, καὶ τοὺς διδασκάλους
τῶν σφετέρων ἁμαρτημάτων σφόδρ᾽ ἂν ἐκόλαζον,
καὶ τοὺς ὅρκους, εἰ ἐσωφρόνουν, οὐκ ἂν ἐπὶ μὲν
τοῖς τῶν πολιτῶν κακοῖς πιστοὺς ἐνόμιζον, ἐπὶ
δὲ τοῖς τῆς πόλεως ἀγαθοῖς ῥᾳδίως παρέβαινον.
πρὸς μὲν οὖν τούτους τοσαῦτα λέγω, τοὺς δὲ
μάρτυράς μοι κάλει. καὶ ὑμεῖς ἀνάβητε.

ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον
εἰς τὴν ἀρχὴν καταστὰς ἀγαθοῦ μὲν οὐδενὸς
μετέσχεν, ἄλλων δὲ πολλῶν. καίτοι εἴπερ ἦν

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[1] φυλὰς Taylor: φυλακὰς MSS.

[2] χρείη Bekker: χρὴ MSS.

[3] ψηφιεῖσθε Cobet: ψηφίσησθε, ψηφίσεσθε MSS.

[4] καλῶς Frohberger: καὶ MSS.

of the conspirators and opponents of your commonwealth; and among these were Eratosthenes and Critias. They placed tribal governors over the tribes, and directed what measures should be passed by their votes and who were to be magistrates; and they had absolute powers for any other steps that they chose to take. Thus by the plotting, not merely of your enemies, but even of these your fellow-citizens, you were at once prevented from passing any useful measure and reduced to a serious scarcity. For they knew perfectly well that in other conditions they could not get the upper hand, but that if you were in distress they would succeed. And they supposed that in your eagerness to be relieved of your actual hardships you would give no thought to those that were to follow. Now, to show that he was one of the overseers, I will offer you witnesses; not the men who then acted with him,—for I could not do that,—but those who heard it from Eratosthenes himself: yet truly, if they[a] were sensible, they would be bearing witness against those persons, and would severely punish their instructors in transgression; instead of holding themselves bound by their oaths to the detriment of the citizens, if they were sensible they would make light of breaking those oaths for the advantage of the city. So much then, I would say in regard to them: now call my witnesses. Go up on the daïs.

WITNESSES

You have heard the witnesses. Finally, when he was established in power, he had a hand in no good work, but in much that was otherwise. Yet, if he

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[a] *i.e.*, the accomplices of Eratosthenes.

ἀνὴρ ἀγαθός, ἐχρῆν αὐτὸν[1] πρῶτον μὲν μὴ παρανόμως
ἄρχειν, ἔπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι
περὶ τῶν εἰσαγγελιῶν ἁπασῶν, ὅτι ψευδεῖς εἶεν,
καὶ Βάτραχος καὶ Αἰσχυλίδης οὐ τἀληθῆ μηνύνύουσιν,
ἀλλὰ τὰ ὑπὸ τῶν τριάκοντα πλασθέντα
εἰσαγγέλλουσι, συγκείμενα ἐπὶ τῇ τῶν πολιτῶν
49 βλάβῃ. καὶ μὲν δή, ὦ ἄνδρες δικασταί, ὅσοι
κακόνοι ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν ἔλαττον
εἶχον σιωπῶντες· ἕτεροι γὰρ ἦσαν οἱ λέγοντες καὶ
πράττοντες ὧν οὐχ οἷόν τ᾽ ἦν μείζω κακὰ γενέσθαι
τῇ πόλει. ὁπόσοι δ᾽ εὖνοί φασιν εἶναι, πῶς οὐκ
ἐνταῦθα ἔδειξαν, αὐτοί τε τὰ βέλτιστα λέγοντες
καὶ τοὺς ἐξαμαρτάνοντας ἀποτρέποντες;

50 Ἴσως δ᾽ ἂν ἔχοι εἰπεῖν ὅτι ἐδεδοίκει, καὶ ὑμῶν
τοῦτο ἐνίοις ἱκανὸν ἔσται. ὅπως τοίνυν μὴ φανήσεται
ἐν τῷ λόγῳ τοῖς τριάκοντα ἐναντιούμενος·
εἰ δὲ μή, ἐνταυθοῖ δῆλος ἔσται ὅτι ἐκεῖνά τε αὐτῷ
ἤρεσκε, καὶ τοσοῦτον ἐδύνατο ὥστε ἐναντιούμενος
μηδὲν κακὸν παθεῖν ὑπ᾽ αὐτῶν. χρῆν δ᾽
αὐτὸν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τὴν
προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους, ὃς
εἰς ὑμᾶς πολλὰ ἐξήμαρτεν. ἀλλ᾽ οὗτος τὴν μὲν
51 πόλιν ἐχθρὰν ἐνόμιζεν εἶναι, τοὺς δ᾽ ὑμετέρους ἐχθροὺς
φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίοις
[125] παραστήσω, καὶ τὰς πρὸς ἀλλήλους διαφορὰς
οὐχ ὑπὲρ ὑμῶν ἀλλ᾽ ὑπὲρ ἑαυτῶν γιγνομένας,
ὁπότεροι τὰ πράγματα[2] πράξουσι καὶ τῆς
52 πόλεως ἄρξουσιν.. εἰ[3] γὰρ ὑπὲρ τῶν ἀδικουμένων

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[1] αὐτὸν Bekker: ἂν MSS.

[2] τὰ πράγματα Gebauer: ταῦτα MSS.

[3] εἰ Schott: καὶ MSS.

was really a good man, it behoved him in the first place to decline unconstitutional powers, or else to lay information before the Council exposing the falsity of all the impeachments, and showing that Batrachus and Aeschylides, so far from giving true information, were producing as impeachments the fabrications of the Thirty, devised for the injury of the citizens. Furthermore, gentlemen, anyone who was ill-disposed towards your people lost nothing by holding his peace: for there were other men to speak and do things of the utmost possible detriment to the city. As for the men who say they are well-disposed, how is it that they did not show it at the moment, by speaking themselves to the most salutary purpose and deterring those who were bent on mischief?

He could say, perhaps, that he was afraid, and to some of you this plea will be satisfactory. Then he must take care that he is not found to have opposed the Thirty in discussion: otherwise the fact will declare him an approver of their conduct who was, moreover, so influential that his opposition would bring him to no harm at their hands. He ought to have shown this zeal in the interest rather of your safety than of Theramenes, who has committed numerous offences against you. No, this man considered the city his enemy, and your enemies his friends; both of these points I will maintain by many evidences, showing that their mutual disputes were not concerned with your advantage but with their own, in the contest of their two parties[a] as to which should have the administration and control the city. For if their quarrel had been in the cause of those who had suffered wrong,

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[a] *i.e.*, the extremists led by Critias, and the moderates led by Theramenes.

ἐστασίαζον, ποῦ κάλλιον ἦν ἀνδρὶ ἄρχοντι, ἢ Θρασυβούλου Φυλὴν κατειληφότος, τότε ἐπιδείξασθαι τὴν αὑτοῦ εὔνοιαν[1]; ὁ δ᾽ ἀντὶ τοῦ ἐπαγγείλασθαί τι ἢ πρᾶξαι ἀγαθὸν πρὸς τοὺς ἐπὶ Φυλῇ, ἐλθὼν μετὰ τῶν συναρχόντων εἰς Σαλαμῖνα καὶ Ἐλευσῖνάδε τριακοσίους τῶν πολιτῶν ἀπήγαγεν εἰς τὸ δεσμωτήριον, καὶ μιᾷ ψήφῳ αὐτῶν ἁπάντων θάνατον κατεψηφίσατο.

53 Ἐπειδὴ δὲ εἰς τὸν Πειραιᾶ ἤλθομεν καὶ αἱ
ταραχαὶ γεγενημέναι ἦσαν καὶ περὶ τῶν διαλλαγῶν
οἱ λόγοι ἐγίγνοντο, πολλὰς ἑκάτεροι ἐλπίδας εἴχομεν
πρὸς ἀλλήλους ἔσεσθαι, ὡς ἀμφότεροι ἔδειξαν.[2]
οἱ μὲν γὰρ ἐκ Πειραιῶς κρείττους ὄντες εἴασαν
54 αὐτοὺς ἀπελθεῖν· οἱ δὲ εἰς τὸ ἄστυ ἐλθόντες τοὺς
μὲν τριάκοντα ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθένους,
ἄρχοντας δὲ τοὺς ἐκείνοις ἐχθίστους
εἵλοντο, ἡγούμενοι δικαίως ἂν ὑπὸ τῶν αὐτῶν τούς
τε τριάκοντα μισεῖσθαι καὶ τοὺς ἐν Πειραιεῖ φιλεῖσθαι.
55 τούτων τοίνυν Φείδων [ὁ τῶν τριάκοντα][3]
γενόμενος καὶ Ἱπποκλῆς καὶ Ἐπιχάρης ὁ Λαμπτρεὺς
καὶ ἕτεροι οἱ δοκοῦντες εἶναι ἐναντιώτατοι
Χαρικλεῖ καὶ Κριτίᾳ καὶ τῇ ἐκείνων ἑταιρείᾳ,
ἐπειδὴ αὐτοὶ[4] εἰς τὴν ἀρχὴν κατέστησαν, πολὺ
μείζω στάσιν καὶ πόλεμον ἐπὶ τοὺς ἐν Πειραιεῖ
56 [ἢ][5] τοῖς ἐξ ἄστεως ἐποίησαν. ᾧ καὶ φανερῶς
ἐπεδείξαντο ὅτι οὐχ ὑπὲρ τῶν ἐν Πειραιεῖ οὐδ᾽
ὑπὲρ τῶν ἀδίκως ἀπολλυμένων ἐστασίαζον, οὐδ᾽ οἱ

[1] εὔνοιαν Markland: συνουσίαν MSS.
[2] ἔδειξαν Canter: ἔδοξαν MSS.
[3] ὁ τῶν τριάκοντα del. Frohberger.
[4] αὐτοὶ Markland: αὐτούς, αὐτοῖς MSS. [5] ἢ del. Reiske.

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[a] In the autumn of 404 B.C. Phyle commanded the road from Thebes to Athens, about twelve miles from the latter.

at what moment could a ruler have more gloriously displayed his own loyalty than on the seizure of Phyle by Thrasybulus[a]? But, instead of offering or bringing some aid to the men at Phyle, he went with his partners in power to Salamis and Eleusis, and haled to prison three hundred of the citizens, and by a single resolution[b] condemned them all to death.

After we had come to the Peiraeus, and the commotions had taken place, and the negotiations were in progress for our reconciliation, we were in good hopes on either side of a settlement between us, as both parties made evident. For the Peiraeus party, having got the upper hand, allowed the others to move off: these went into the town, drove out the Thirty except Pheidon and Eratosthenes, and appointed their bitterest enemies as leaders, judging that the same men might fairly be expected to feel both hate for the Thirty and love for the party of the Peiraeus. Now among these[c] were Pheidon, Hippocles, and Epichares of the district of Lamptra, with others who were thought to be most opposed to Charicles and Critias and their club: but as soon as they in their turn were raised to power, they set up a far sharper dissension and warfare between the parties of the town and of the Peiraeus, and thereby revealed in all clearness that their faction was not working for the Peiraeus party nor for those who were being unjustly destroyed; and that their vexa-

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[b] An illegality like that of the condemnation of the generals after Arginusae. The law required that each accused person should be voted on separately.

[c] The ten chief magistrates appointed after the expulsion of the Thirty to arrange terms with Thrasybulus and the democrats; but they only tried to win credit with Sparta.

τεθνεῶτες αὐτοὺς ἐλύπουν οὐδ’ οἱ μέλλοντες ἀποθανεῖσθαι,
ἀλλ’ οἱ μεῖζον δυνάμενοι καὶ θᾶττον
57 πλουτοῦντες. λαβόντες γὰρ τὰς ἀρχὰς καὶ τὴν
πόλιν ἀμφοτέροις ἐπολέμουν, τοῖς τε τριάκοντα
πάντα κακὰ εἰργασμένοις καὶ ὑμῖν πάντα κακὰ
πεπονθόσι. καίτοι τοῦτο πᾶσι δῆλον ἦν, ὅτι εἰ
μὲν ἐκεῖνοι δικαίως ἔφευγον, ὑμεῖς ἀδίκως, εἰ δ’
ὑμεῖς δικαίως, οἱ τριάκοντα ἀδίκως[1]· οὐ γὰρ δὴ[2]
ἑτέρων ἔργων αἰτίαν λαβόντες ἐκ τῆς πόλεως
58 ἐξέπεσον, ἀλλὰ τούτων. ὥστε σφόδρα χρὴ ὀργίζεσθαι,
ὅτι Φείδων αἱρεθεὶς ὑμᾶς διαλλάξαι καὶ καταγαγεῖν
τῶν αὐτῶν ἔργων Ἐρατοσθένει μετεῖχε καὶ
τῇ αὐτῇ γνώμῃ τοὺς μὲν κρείττους αὐτῶν δι’ ὑμᾶς
κακῶς ποιεῖν ἕτοιμος ἦν, ὑμῖν δὲ ἀδίκως φεύγουσιν
οὐκ ἠθέλησεν ἀποδοῦναι τὴν πόλιν, ἀλλ’ ἐλθὼν εἰς
Λακεδαίμονα ἔπειθεν αὐτοὺς στρατεύεσθαι, διαβάλλων
ὅτι Βοιωτῶν ἡ πόλις ἔσται, καὶ ἄλλα λέγων
59 οἷς ᾤετο πείσειν μάλιστα. οὐ δυνάμενος δὲ τούτων
τυχεῖν, εἴτε καὶ τῶν ἱερῶν ἐμποδὼν ὄντων εἴτε καὶ
αὐτῶν οὐ βουλομένων, ἑκατὸν τάλαντα ἐδανείσατο,
ἵνα ἔχοι ἐπικούρους μισθοῦσθαι, καὶ Λύσανδρον
ἄρχοντα ᾐτήσατο, εὐνούστατον μὲν ὄντα τῇ ὀλιγαρχίᾳ,
κακονούστατον δὲ τῇ πόλει, μισοῦντα δὲ
60 μάλιστα τοὺς ἐν Πειραιεῖ. μισθωσάμενοι δὲ πάντας
ἀνθρώπους ἐπ’ ὀλέθρῳ τῆς πόλεως, καὶ πόλεις
ἐπάγοντες, καὶ τελευτῶντες Λακεδαιμονίους καὶ
τῶν συμμάχων ὁπόσους ἐδύναντο πεῖσαι, οὐ διαλλάξαι
ἀλλ’ ἀπολέσαι παρεσκευάζοντο τὴν πόλιν

[1] ὑμεῖς δικαίως, οἱ τριάκοντα ἀδίκως Reiske: ὑμεῖς ἀδίκως, οἱ τριάκοντα δικαίως MSS.
[2] δὴ Stephanus: δι’ MSS.

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[a] The members of the court are treated as representatives of the popular cause.

tion lay, not in those who had been or were about to be put to death, but in those who had greater power or were more speedily enriched. For having got hold of their offices and the city they made war on both sides,—on the Thirty who had wrought every kind of evil, and on you who had suffered it in every way. And yet one thing was clear to all men,—that if the exile of the Thirty was just, yours[a] was unjust; while if yours was just, that of the Thirty was unjust: for it was not as answerable for some other acts that they were banished from the city, but simply for these. It ought therefore to be a matter for the deepest resentment that Pheidon, after being chosen to reconcile and restore you, joined in the same courses as Eratosthenes and, working on the same plan, was ready enough to injure the superior members of his party on your account, but unwilling to restore the city to you who were in unjust exile: he went to Lacedaemon, and urged them to march out, insinuating that the city would be falling into the hands of the Boeotians, with other statements calculated to induce them. Finding that he could not achieve this,—whether because the sacred signs impeded, or because the people themselves did not desire it,—he borrowed a hundred talents for the purpose of hiring auxiliaries, and asked for Lysander to be their leader, as one who was both a strong supporter of the oligarchy and a bitter foe of the city, and who felt a special hatred towards the party of the Peiraeus. Bent on our city's destruction, they hired all and sundry, and were enlisting the aid of cities and finally that of the Lacedaemonians and as many of their allies as they could prevail upon; and thus they were preparing, not to reconcile, but to destroy the city,

εἰ μὴ δι᾽ ἄνδρας ἀγαθούς, οἷς[1] ὑμεῖς δηλώσατε παρὰ
τῶν ἐχθρῶν δίκην λαβόντες, ὅτι καὶ ἐκείνοις χάριν
61 ἀποδώσετε. ταῦτα δὲ ἐπίστασθε μὲν καὶ αὐτοί,
καὶ <οὐκ>[2] οἶδ᾽ ὅ τι δεῖ μάρτυρας παρασχέσθαι·
ὅμως δέ· ἐγώ τε γὰρ δέομαι ἀναπαύσασθαι, ὑμῶν
τ᾽ ἐνίοις ἥδιον ὡς πλείστων τοὺς αὐτοὺς λόγους
ἀκούειν.

ΜΑΡΤΥΡΕΣ

62 Φέρε δὴ καὶ περὶ Θηραμένους ὡς ἂν δύνωμαι
διὰ βραχυτάτων διδάξω. δέομαι δ᾽ ὑμῶν ἀκοῦσαι
ὑπέρ τ᾽ ἐμαυτοῦ καὶ τῆς πόλεως, καὶ μηδενὶ τοῦτο
παραστῇ, ὡς Ἐρατοσθένους κινδυνεύοντος Θηραμένους
κατηγορῶ. πυνθάνομαι γὰρ ταῦτα ἀπολογήσεσθαι
αὐτόν, ὅτι ἐκείνῳ[3] φίλος ἦν καὶ τῶν
63 αὐτῶν ἔργων μετεῖχε. καίτοι σφόδρ᾽ ἂν αὐτὸν
[126] οἶμαι μετὰ Θεμιστοκλέους πολιτευόμενον προσποιεῖσθαι
πράττειν ὅπως οἰκοδομηθήσεται τὰ
τείχη, ὁπότε καὶ μετὰ Θηραμένους ὅπως καθαιρεθήσεται.
οὐ γάρ μοι δοκοῦσιν ἴσου ἄξιοι γεγενῆσθαι·
ὁ μὲν γὰρ Λακεδαιμονίων ἀκόντων ᾠκοδόμησεν
αὐτά, οὗτος δὲ τοὺς πολίτας ἐξαπατήσας
64 καθεῖλε. περιέστηκεν οὖν τῇ πόλει τοὐναντίον ἢ
ὡς εἰκὸς ἦν. ἄξιον μὲν γὰρ <ἦν>[4] καὶ τοὺς
φίλους τοὺς[5] Θηραμένους προσαπολωλέναι, πλὴν
εἴ τις ἐτύγχανεν ἐκείνῳ τἀναντία πράττων· νῦν δὲ
ὁρῶ τάς τε ἀπολογίας εἰς ἐκεῖνον ἀναφερομένας,
τούς τ᾽ ἐκείνῳ συνόντας τιμᾶσθαι πειρωμένους,
ὥσπερ πολλῶν ἀγαθῶν αἰτίου ἀλλ᾽ οὐ μεγάλων

[1] οἷς Taylor: οὓς mss.

[2] οὐκ add. Weidner.

[3] ἐκείνῳ Taylor: ἐκείνοις mss.

[4] ἦν add. Reiske.

[5] τοὺς Franz: τοῦ mss.

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[a] *i.e.*, how eagerly he would have claimed participation in

had it not been for some loyal men, to whom I bid you declare, by exacting requital from your enemies, that they no less will get your grateful reward. But these facts you comprehend of yourselves, and I doubt if I need provide any witnesses. Some, however, I will; for not only am I in need of a rest, but some of you will prefer to hear the same statements from as many persons as possible.

WITNESSES

By your leave, I will inform you also about Theramenes, as briefly as I can. I request you to listen, both in my own interest, and in that of the city; and one thing let no one imagine,—that I am accusing Theramenes when it is Eratosthenes who is on his trial. For I am told that he will plead in defence that he was that man's friend, and took part in the same acts. Why, I suppose, if he had been in the government with Themistocles he would have been loud in claiming that he worked for the construction of the walls,[a] when he claims that he worked with Theramenes for their demolition! For I do not see that there is any parity of merit between them. The one constructed the walls against the wish of the Lacedaemonians, whereas the other demolished them by beguilement of the citizens. Thus the reverse of what was to be expected has overtaken the city. For the friends of Theramenes deserved no less to perish with him, except such as might be found acting in opposition to him: but here I see them referring their defence to him, and we have his associates attempting to win credit as though he had been the author of

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[a] the great work of Themistocles, if he is now to seek shelter even in the discredit of helping Theramenes to destroy it!

65 κακῶν γεγενημένου.[1] ὃς πρῶτον μὲν τῆς προτέρας
ὀλιγαρχίας αἰτιώτατος ἐγένετο, πείσας
ὑμᾶς τὴν ἐπὶ τῶν τετρακοσίων πολιτείαν ἑλέσθαι.
καὶ ὁ μὲν πατὴρ αὐτοῦ τῶν προβούλων ὢν ταῦτ'
ἔπραττεν, αὐτὸς δὲ δοκῶν εὐνούστατος εἶναι τοῖς
66 πράγμασι στρατηγὸς ὑπ' αὐτῶν[2] ᾑρέθη. καὶ ἕως
μὲν ἐτιμᾶτο, πιστὸν ἑαυτὸν [τῇ πόλει][3] παρεῖχεν·
ἐπειδὴ δὲ Πείσανδρον μὲν καὶ Κάλλαισχρον καὶ
ἑτέρους ἑώρα προτέρους αὑτοῦ γιγνομένους, τὸ δὲ
67 ὑμέτερον πλῆθος οὐκέτι βουλόμενον τούτων ἀκροᾶσθαι,
τότ' ἤδη διά τε τὸν πρὸς ἐκείνους φθόνον καὶ
τὸ παρ' ὑμῶν δέος μετέσχε τῶν Ἀριστοκράτους
ἔργων. βουλόμενος δὲ τῷ ὑμετέρῳ πλήθει δοκεῖν
πιστὸς εἶναι Ἀντιφῶντα καὶ Ἀρχεπτόλεμον φιλτάτους
ὄντας αὐτῷ κατηγορῶν ἀπέκτεινεν, εἰς
τοσοῦτον δὲ κακίας ἦλθεν, ὥστε ἅμα μὲν διὰ τὴν
πρὸς ἐκείνους πίστιν ὑμᾶς κατεδουλώσατο, διὰ δὲ
68 τὴν πρὸς ὑμᾶς τοὺς φίλους ἀπώλεσε. | τιμώμενος
δὲ καὶ τῶν μεγίστων ἀξιούμενος, αὐτὸς ἐπαγγειλάμενος
σώσειν τὴν πόλιν αὐτὸς ἀπώλεσε, φάσκων
πρᾶγμα ηὑρηκέναι μέγα καὶ πολλοῦ ἄξιον. ὑπέσχετο
δὲ εἰρήνην ποιήσειν μήτε ὅμηρα δοὺς μήτε
τὰ τείχη καθελὼν μήτε τὰς ναῦς παραδούς· ταῦτα
δὲ εἰπεῖν μὲν οὐδενὶ ἠθέλησεν, ἐκέλευσε δὲ αὐτῷ
69 πιστεύειν. ὑμεῖς δέ, ὦ ἄνδρες Ἀθηναῖοι, πραττούσης
μὲν τῆς ἐν Ἀρείῳ πάγῳ βουλῆς σωτήρια,[4]
ἀντιλεγόντων δὲ πολλῶν Θηραμένει, εἰδότες δὲ
ὅτι οἱ μὲν ἄλλοι ἄνθρωποι τῶν πολεμίων ἕνεκα
τἀπόρρητα ποιοῦνται, ἐκεῖνος δ' ἐν τοῖς αὑτοῦ
πολίταις οὐκ ἠθέλησεν εἰπεῖν ταῦθ' ἃ πρὸς τοὺς

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[1] αἰτίου . . . γεγενημένου Bekker: αἰτίους . . . γεγενημένους mss.

[2] αὐτῶν Sauppe: αὐτοῦ mss.

many benefits, and not of grievous injuries. He, first of all, was chiefly responsible for the former oligarchy,[a] by having prompted your choice of the government of the Four Hundred. His father, who was one of the Commissioners,[b] was active in the same direction, while he himself, being regarded as a strong supporter of the system, was appointed general by the party. So long as he found favour, he showed himself loyal; but when he saw Peisander, Callaeschrus and others getting in advance of him, and your people no longer disposed to hearken to them, immediately his jealousy of them, combined with his fear of you, threw him into co-operation with Aristocrates. Desiring to be reputed loyal to your people, he accused Antiphon and Archeptolemus, his best friends, and had them put to death; and such was the depth of his villainy that, to make credit with those men,[c] he enslaved you, while also, to make credit with you, he destroyed his friends. Held in favour and the highest estimation, he who by his own choice offered to save the city, by his own choice destroyed it, asserting that he had discovered a capital and most valuable expedient. He undertook to arrange a peace without giving any hostages or demolishing the walls or surrendering the ships: he would tell nobody what it was, but bade them trust him. And you, men of Athens, while the Council of the Areopagus were working for your safety, and many voices were heard in opposition to Theramenes, were aware that, though other people keep secrets to baffle the enemy, he refused to mention amongst his own fellow-

[a] After the disaster in Sicily, 412 B.C.

[b] Ten persons specially appointed to revise the constitution.

[c] *i.e.*, the oligarchs.

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[3] τῇ πόλει del. Dobree. [4] σωτήρια Markland: σωτηρίαν MSS.

πολεμίους ἔμελλεν ἐρεῖν, ὅμως ἐπετρέψατε αὐτῷ
πατρίδα καὶ παῖδας καὶ γυναῖκας καὶ ὑμᾶς αὐτούς.
70 ὁ δὲ ὧν μὲν ὑπέσχετο οὐδὲν ἔπραξεν, οὕτως δὲ
ἐνετεθύμητο ὡς χρὴ μικρὰν καὶ ἀσθενῆ γενέσθαι
τὴν πόλιν, ὥστε περὶ ὧν οὐδεὶς πώποτε
οὔτε τῶν πολεμίων ἐμνήσθη οὔτε τῶν πολιτῶν
ἤλπισε, ταῦθ' ὑμᾶς ἔπεισε πρᾶξαι, οὐχ ὑπὸ Λακεδαιμονίων
ἀναγκαζόμενος, ἀλλ' αὐτὸς[1] ἐκείνοις
ἐπαγγελλόμενος, τοῦ τε Πειραιῶς τὰ τείχη περιελεῖν
καὶ τὴν ὑπάρχουσαν πολιτείαν καταλῦσαι,
εὖ εἰδὼς ὅτι, εἰ μὴ πασῶν τῶν ἐλπίδων ἀποστερηθήσεσθε,
ταχεῖαν παρ' αὐτοῦ τὴν τιμωρίαν
71 κομιεῖσθε. καὶ τὸ τελευταῖον, ὦ ἄνδρες δικασταί,
οὐ πρότερον εἴασε τὴν ἐκκλησίαν γενέσθαι, ἕως ὁ
λεγόμενος ὑπ' ἐκείνων[2] καιρὸς ἐπιμελῶς ὑπ' αὐτοῦ
ἐτηρήθη, καὶ μετεπέμψατο μὲν τὰς μετὰ Λυσάνδρου
ναῦς ἐκ Σάμου, ἐπεδήμησε δὲ τὸ τῶν πολεμίων
72 στρατόπεδον. τότε δὲ τούτων ὑπαρχόντων, καὶ
παρόντος Λυσάνδρου καὶ Φιλοχάρους καὶ Μιλτιάδου,
περὶ τῆς πολιτείας τὴν ἐκκλησίαν ἐποίουν, ἵνα
μήτε ῥήτωρ αὐτοῖς μηδεὶς ἐναντιοῖτο μηδὲ διαπειλοῖτο[3]
ὑμεῖς τε μὴ τὰ τῇ πόλει συμφέροντα
ἕλοισθε, ἀλλὰ τἀκείνοις δοκοῦντα ψηφίσαισθε.
73 ἀναστὰς δὲ Θηραμένης ἐκέλευσεν ὑμᾶς τριάκοντα
ἀνδράσιν ἐπιτρέψαι τὴν πόλιν καὶ τῇ πολιτείᾳ
χρῆσθαι ἣν Δρακοντίδης ἀπέφαινεν. ὑμεῖς δ'
ὅμως καὶ οὕτω διακείμενοι ἐθορυβεῖτε ὡς οὐ
ποιήσοντες ταῦτα· ἐγιγνώσκετε γὰρ ὅτι περὶ δουλείας
καὶ ἐλευθερίας ἐν ἐκείνῃ τῇ ἡμέρᾳ ἠκκλησιάζετε.
74 Θηραμένης δέ, ὦ ἄνδρες δικασταί,

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[1] αὐτὸς Canter: αὐτοῖς MSS.

[2] ἐκείνων Markland: ἐκείνου MSS.

citizens what he was going to tell the enemy: yet nevertheless you entrusted to him your country, your children, your wives and yourselves. Not one of the things that he undertook did he perform, but was so intent on his object of subduing and crippling the city that he induced you to do things which none of the enemy had ever mentioned nor any of the citizens had expected: under no compulsion from the Lacedaemonians, but of his own accord, he promised them the dismantling of the Peiraeus walls and the subversion of the established constitution; for well he knew that, if you were not utterly bereft of your hopes, you would be quick to retaliate upon him. Finally, gentlemen, he kept the Assembly from meeting until the moment mentioned by the enemy had been carefully watched for by him, and he had sent for Lysander's ships from Samos, and the enemy's forces were quartered in the town. And now, with matters thus arranged, and in the presence of Lysander, Philochares and Miltiades,[a] they called the Assembly to a debate on the constitution, when no orator could either oppose them or awe them with threats, while you, instead of choosing the course most advantageous to the city, could only vote in favour of their views. Theramenes arose, and bade you entrust the city to thirty men, and apply the system propounded by Dracontides.[b] But you, notwithstanding your awkward plight, showed by your uproar that you would not do as he proposed; for you realized that you had to choose between slavery and freedom in the Assembly that day. Theramenes,

[a] These last two shared with Lysander the command of the Spartan fleet.

[b] Who himself became one of the Thirty.

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[3] *διαπειλοῖτο* Cobet: *ἀπειλοῖτο* MSS.

[127] (καὶ τούτων ὑμᾶς αὐτοὺς μάρτυρας παρέξομαι)
εἶπεν ὅτι οὐδὲν αὐτῷ μέλοι τοῦ ὑμετέρου θορύβου,
ἐπειδὴ πολλοὺς μὲν Ἀθηναίων εἰδείη τοὺς τὰ
ὅμοια πράττοντας αὐτῷ, δοκοῦντα δὲ Λυσάνδρῳ
καὶ Λακεδαιμονίοις λέγοι. μετ᾿ ἐκεῖνον δὲ Λύσανδρος
ἀναστὰς ἄλλα τε πολλὰ εἶπε καὶ ὅτι παρασπόνδους
ὑμᾶς ἔχοι, καὶ ὅτι οὐ περὶ πολιτείας ὑμῖν
ἔσται ἀλλὰ περὶ σωτηρίας, εἰ μὴ ποιήσεθ᾿[1] ἃ
75 Θηραμένης κελεύει. τῶν δ᾿ ἐν τῇ ἐκκλησίᾳ ὅσοι
ἄνδρες ἀγαθοὶ ἦσαν, γνόντες τὴν παρασκευὴν καὶ
τὴν ἀνάγκην, οἱ μὲν αὐτοῦ μένοντες ἡσυχίαν
ἦγον, οἱ δὲ ᾤχοντο ἀπιόντες, τοῦτο γοῦν σφίσιν
αὐτοῖς συνειδότες, ὅτι οὐδὲν κακὸν τῇ πόλει ἐψηφίσαντο·
ὀλίγοι δέ τινες καὶ πονηροὶ καὶ κακῶς
βουλευόμενοι τὰ προσταχθέντα ἐχειροτόνησαν.
76 παρήγγελτο[2] γὰρ αὐτοῖς δέκα μὲν οὓς Θηραμένης
ἀπέδειξε χειροτονῆσαι, δέκα δὲ οὓς οἱ καθεστηκότες
ἔφοροι κελεύοιεν, δέκα δ᾿ ἐκ τῶν παρόντων·
οὕτω γὰρ τὴν ὑμετέραν ἀσθένειαν ἑώρων καὶ τὴν
αὑτῶν δύναμιν ἠπίσταντο, ὥστε πρότερον ᾔδεσαν
77 τὰ μέλλοντα ἐν τῇ ἐκκλησίᾳ πραχθήσεσθαι. ταῦτα
δὲ οὐκ ἐμοὶ δεῖ πιστεῦσαι, ἀλλὰ ἐκείνῳ· πάντα γὰρ
τὰ ὑπ᾿ ἐμοῦ εἰρημένα ἐν τῇ βουλῇ ἀπολογούμενος
ἔλεγεν, ὀνειδίζων μὲν τοῖς φεύγουσιν, ὅτι δι᾿ αὑτὸν
κατέλθοιεν, οὐδὲν φροντιζόντων[3] Λακεδαιμονίων,
ὀνειδίζων δὲ τοῖς τῆς πολιτείας μετέχουσιν, ὅτι
πάντων τῶν πεπραγμένων τοῖς εἰρημένοις τρόποις

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[1] ποιήσεθ᾿ Cobet: ποιήσαιθ᾿ MSS.

[2] παρήγγελτο Cobet: παρηγγέλλετο MSS.

[3] φροντιζόντων Dobree: φροντίζων δὲ τῶν MSS.

gentlemen (I shall cite your own selves as witnesses to this), said that he recked naught of your uproar, since he knew of many Athenians who were promoting the same kind of scheme as himself, and that his advice had the approval of Lysander and the Lacedaemonians. After him Lysander arose and said, when he had spoken at some length, that he held you guilty of breaking the truce, and that it must be a question, not of your constitution, but of your lives, if you refused to do as Theramenes demanded. Then all the good citizens in the Assembly, perceiving the plot that had been hatched for their compulsion, either remained there and kept quiet, or took themselves off, conscious at least of this,—that they had voted nothing harmful to the city. But some few, of base nature and noxious counsels, raised their hands in favour of the commands that had been given. For the order had been passed to them that they were to elect ten men whom Theramenes indicated, ten more whom the overseers, just appointed, should demand, and ten from amongst those present. They were so aware of your weakness, and so sure of their own power, that they knew beforehand what would be transacted in the Assembly. For this you should rely, not on my word, but on that of Theramenes; since everything that I have mentioned was stated by him in his defence before the Council,[a] when he reproached the exiles with the fact that they owed their restoration to him, and not to any consideration shown by the Lacedaemonians, and reproached also his partners in the government with this,—that although he had been himself responsible for all

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[a] When he was accused by Critias, because of his moderate counsels, of being a traitor to the policy of the Thirty.

ὑπ᾿ ἐμοῦ αὐτὸς αἴτιος γεγενημένος τοιούτων τυγχάνοι,
πολλὰς πίστεις αὐτοῖς ἔργῳ δεδωκὼς καὶ
78 παρ᾿ ἐκείνων ὅρκους εἰληφώς. καὶ τοσούτων καὶ
ἑτέρων κακῶν καὶ αἰσχρῶν καὶ πάλαι καὶ νεωστὶ
καὶ μικρῶν καὶ μεγάλων αἰτίου γεγενημένου[1]
τολμήσουσιν αὐτοὺς φίλους ὄντας ἀποφαίνειν, οὐχ
ὑπὲρ ὑμῶν ἀποθανόντος Θηραμένους ἀλλ᾿ ὑπὲρ
τῆς αὑτοῦ πονηρίας, καὶ δικαίως μὲν ἐν ὀλιγαρχίᾳ
δίκην δόντος (ἤδη γὰρ αὐτὴν κατέλυσε), δικαίως
δ᾿ ἂν ἐν δημοκρατίᾳ· δὶς γὰρ ὑμᾶς κατεδουλώσατο,
τῶν μὲν παρόντων καταφρονῶν, τῶν δὲ ἀπόντων
ἐπιθυμῶν, καὶ τῷ καλλίστῳ ὀνόματι χρώμενος
δεινοτάτων ἔργων διδάσκαλος καταστάς.

79 Περὶ μὲν τοίνυν Θηραμένους ἱκανά μοι ἐστι τὰ
κατηγορημένα· ἥκει δ᾿ ὑμῖν ἐκεῖνος ὁ καιρός, ἐν
ᾧ δεῖ συγγνώμην καὶ ἔλεον μὴ εἶναι ἐν ταῖς
ὑμετέραις γνώμαις, ἀλλὰ παρὰ Ἐρατοσθένους καὶ
τῶν τούτου συναρχόντων δίκην λαβεῖν, μηδὲ
μαχομένους ‹μὲν›[2] κρείττους εἶναι τῶν πολεμίων,
80 ψηφιζομένους δὲ ἥττους τῶν ἐχθρῶν. μηδ᾿ ὧν
φασι μέλλειν πράξειν πλείω χάριν αὐτοῖς ἴστε, ἢ
ὧν ἐποίησαν ὀργίζεσθε· μηδ᾿ ἀποῦσι μὲν τοῖς
τριάκοντα ἐπιβουλεύετε, παρόντας δ᾿ ἀφῆτε· μηδὲ
τῆς τύχης, ἣ τούτους παρέδωκε τῇ πόλει, κάκιον
ὑμῖν αὐτοῖς βοηθήσητε.

81 Κατηγόρηται[3] δὴ Ἐρατοσθένους καὶ τῶν τούτου

[1] αἰτίου γεγενημένου Reiske: αἴτιοι γεγενημένοι mss.

[2] μὲν add. Contius.

[3] κατηγόρηται Bake: κατηγορεῖτε mss.

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[a] *i.e.*, people who speak in his favour.

[b] First by supporting the Four Hundred, and then by joining the Thirty.

[c] Democracy.

[d] Oligarchy.

that had been transacted in the manner that I have described, he was treated in this fashion,—he who had given them many pledges by his actions, and to whom they were plighted by their oaths. And it is for this man, responsible as we find him for all these and other injuries and ignominies, late as well as early, great as well as small, that they[a] are going to have the audacity to proclaim their friendship; for Theramenes, who has suffered death, not as your champion, but as the victim of his own baseness, and has been justly punished under the oligarchy—he had already caused its ruin—as he would justly have been under the democracy. Twice over[b] did he enslave you, despising what was present,[c] and longing for what was absent,[d] and, while giving them the fairest name,[e] setting himself up as instructor in most monstrous acts.

Well, I have dealt sufficiently with Theramenes in my accusation. You now have reached the moment in which your thoughts must have no room for pardon or for pity; when you must punish Eratosthenes and his partners in power. You should not show your superiority to the city's foes in your fighting merely to show your inferiority to your own enemies in your voting. Nor must you feel more gratitude to them for what they say that they mean to do than anger for what they have done; nor, while taking your measures against the Thirty in their absence,[f] acquit them in their presence; nor in your own rescue be more lax than Fortune, who has delivered these men into the hands of the city.

Such is the accusation against Eratosthenes and

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[e] *i.e.*, his pretext of "government by the best."

[f] At Eleusis.

φίλων, οἷς τὰς ἀπολογίας ἀνοίσει καὶ μεθ' ὧν αὐτῷ
ταῦτα πέπρακται. ὁ μέντοι ἀγὼν οὐκ ἐξ ἴσου
τῇ πόλει καὶ Ἐρατοσθένει· οὗτος μὲν γὰρ κατή-
γορος καὶ δικαστὴς αὐτὸς ἦν τῶν κρινομένων,
ἡμεῖς δὲ νυνὶ εἰς κατηγορίαν καὶ ἀπολογίαν
82 καθέσταμεν. καὶ[1] οὗτοι μὲν τοὺς οὐδὲν ἀδικοῦντας
ἀκρίτους ἀπέκτειναν, ὑμεῖς δὲ τοὺς ἀπολέσαντας
τὴν πόλιν κατὰ τὸν νόμον ἀξιοῦτε κρίνειν, παρ'
ὧν οὐδ' ἂν παρανόμως βουλόμενοι δίκην λαμβάνειν
ἀξίαν τῶν ἀδικημάτων ὧν τὴν πόλιν ἠδικήκασι
λάβοιτε. τί γὰρ ἂν παθόντες δίκην τὴν ἀξίαν
83 εἴησαν τῶν ἔργων δεδωκότες; πότερον εἰ αὐτοὺς
ἀποκτείναιτε καὶ τοὺς παῖδας αὐτῶν, ἱκανὴν ἂν
τοῦ φόνου δίκην λάβοιμεν, ὧν οὗτοι πατέρας καὶ
υἱεῖς καὶ ἀδελφοὺς ἀκρίτους ἀπέκτειναν; ἀλλὰ εἰ
τὰ χρήματα τὰ φανερὰ δημεύσαιτε,[2] καλῶς ἂν
ἔχοι ἢ τῇ πόλει, ἧς οὗτοι πολλὰ εἰλήφασιν, ἢ τοῖς
84 ἰδιώταις, ὧν <τὰς>[3] οἰκίας ἐξεπόρθησαν; ἐπειδὴ
τοίνυν πάντα ποιοῦντες δίκην παρ' αὐτῶν <τὴν
ἀξίαν>[4] οὐκ ἂν δύναισθε[5] λαβεῖν, πῶς οὐκ αἰσχρὸν
ὑμῖν καὶ ἡντινοῦν ἀπολιπεῖν, ἥντινά τις βούλοιτο
[128] παρὰ τούτων λαμβάνειν;

Πᾶν δ' ἄν μοι δοκεῖ τολμῆσαι, ὅστις νυνὶ οὐχ
ἑτέρων ὄντων τῶν δικαστῶν ἀλλ' αὐτῶν τῶν κακῶς
πεπονθότων, ἥκει ἀπολογησόμενος πρὸς αὐτοὺς τοὺς
μάρτυρας τῆς τούτου πονηρίας· τοσοῦτον ἢ ὑμῶν
85 καταπεφρόνηκεν ἢ ἑτέροις πεπίστευκεν. ὧν ἀμ-
φοτέρων ἄξιον ἐπιμεληθῆναι, ἐνθυμουμένους ὅτι

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[1] καὶ Dobree: καίτοι MSS.

[2] δημεύσαιτε Reiske: δημεύσετε MSS.

[3] τὰς add. Scheibe.

[4] τὴν ἀξίαν add. Gebauer.

[5] δύναισθε Bekker: δύνησθε MSS.

those friends of his, on whom he will fall back in his defence, as his abettors in these practices. Yet it is an unequal contest between the city and Eratosthenes: for whereas he was at once accuser and judge of the persons brought to trial, we to-day are parties engaged in accusation and defence. And whereas these men put people to death untried who were guilty of no wrong, you think fit to try according to law the persons who destroyed the city, and whose punishment by you, even if unlawfully devised, would still be inadequate to the wrongs that they have committed against the city. For what would they have to suffer, if their punishment should be adequate to their actions? If you put them and their children to death, should we sufficiently punish them for the murder of our fathers, sons and brothers whom they put to death untried? Or again, if you confiscated their material property, would this be compensation either to the city for all that they have taken from her, or to individuals for the houses that they pillaged? Since therefore, whatever you might do, you could not exact from them an adequate penalty, would it not be shameful of you to disallow any possible sort of penalty that a man might desire to exact from these persons?

But, I believe, he would have the audacity for anything, when he has come here to-day, before judges who are no other than the very persons who have been maltreated, to submit his defence to the actual witnesses of the man's own villainy: so profound is either the contempt that he has conceived for you or the confidence that he has placed in others. For both possibilities you ought to be on the watch,

οὔτ᾽ ἂν ἐκεῖνα ἐδύναντο[1] ποιεῖν μὴ ἑτέρων συμπραττόντων
οὔτ᾽ ἂν νῦν ἐπεχείρησαν ἐλθεῖν μὴ
ὑπὸ τῶν αὐτῶν οἰόμενοι σωθήσεσθαι, οἳ οὐ τούτοις
ἥκουσι βοηθήσοντες, ἀλλὰ ἡγούμενοι πολλὴν ἄδειαν
σφίσιν ἔσεσθαι τῶν ‹τε›[2] πεπραγμένων καὶ τοῦ
λοιποῦ ποιεῖν ὅ τι ἂν βούλωνται, εἰ τοὺς μεγίστων
86 κακῶν αἰτίους λαβόντες ἀφήσετε. ἀλλὰ καὶ τῶν
συνερούντων[3] αὐτοῖς ἄξιον θαυμάζειν, πότερον ὡς
καλοὶ κἀγαθοὶ αἰτήσονται, τὴν αὑτῶν ἀρετὴν
πλείονος ἀξίαν ἀποφαίνοντες τῆς ‹τούτων›[4] πονηρίας·
ἐβουλόμην μέντ᾽ ἂν αὐτοὺς οὕτω προθύμους
εἶναι σῴζειν τὴν πόλιν, ὥσπερ οὗτοι ἀπολλύναι[5]·
ἢ ὡς δεινοὶ λέγειν ἀπολογήσονται καὶ τὰ
τούτων ἔργα πολλοῦ ἄξια ἀποφανοῦσιν. ἀλλ᾽ οὐχ
ὑπὲρ ὑμῶν οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πώποτε
ἐπεχείρησεν εἰπεῖν.

87 Ἀλλὰ τοὺς μάρτυρας ἄξιον ἰδεῖν, οἳ τούτοις
μαρτυροῦντες αὑτῶν κατηγοροῦσι, σφόδρα ἐπιλήσμονας
καὶ εὐήθεις νομίζοντες ὑμᾶς εἶναι, εἰ
διὰ μὲν τοῦ ὑμετέρου πλήθους ἀδεῶς ἡγοῦνται τοὺς
τριάκοντα σώσειν, διὰ δὲ Ἐρατοσθένην καὶ τοὺς
συνάρχοντας αὐτοῦ δεινὸν ἦν καὶ τῶν τεθνεώτων
88 ἐπ᾽ ἐκφορὰν ἐλθεῖν. καίτοι οὗτοι μὲν σωθέντες
πάλιν ἂν δύναιντο τὴν πόλιν ἀπολέσαι· ἐκεῖνοι
δέ, οὓς οὗτοι ἀπώλεσαν, τελευτήσαντες τὸν βίον
πέρας ἔχουσι τῆς παρὰ τῶν ἐχθρῶν τιμωρίας.
οὐκ οὖν δεινὸν εἰ τῶν μὲν ἀδίκως τεθνεώτων οἱ
φίλοι συναπώλλυντο, αὐτοῖς δὲ τοῖς τὴν πόλιν

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[1] ἐδύναντο Markland: δύναιντο MSS.

[2] τε add. Reiske.

[3] συνερούντων Reiske: ξυνεργούντων MSS.

[4] τούτων add. Markland.

reflecting that, as they would have been unable to do what they did without the co-operation of others, so they would not now have ventured into court unless they expected to be saved by those same persons; who have come here, not to support these men, but in the belief that there will be a general indemnity alike for their past actions and for whatever they may want to do in the future, if you let slip from your grasp the authors of our direst misery. But you may well wonder, besides, whether those who intend to take their part will petition you in the character of loyal gentlemen, making out that their own merit outweighs the villainy of these men,—though I could have wished them as zealous for the salvation of the State as these men were for its destruction,—or whether they will rely on their skilful oratory for putting in a defence and making out that the actions of their friends are estimable. Yet on your behalf not one of them has ever attempted to mention merely your just rights.

Now it is worth observing how the witnesses, in testifying for these men, accuse themselves: they take you to be singularly forgetful and simple, if they believe that by means of you, the people, they will save the Thirty with impunity, when owing to Eratosthenes and his partners in power it was dangerous even to conduct funerals of the dead. Yet these men, if they escape, will be able again to destroy the city; whereas those whom they destroyed, having lost their lives, can no longer look for satisfaction from their enemies. Then is it not monstrous that the friends of those who have been unjustly put to death were destroyed with them, and yet the

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[5] ἀπολλύναι Markland: ἀποδοῦναι MSS.

ἀπολέσασι δήπου[1] ἐπ' ἐκφορὰν πολλοὶ ἥξουσιν,
89 ὁπότε βοηθεῖν τοσοῦτοι παρασκευάζονται; καὶ
μὲν δὴ πολλῷ ῥᾷον ἡγοῦμαι εἶναι ὑπὲρ ὧν ὑμεῖς
ἐπάσχετε ἀντειπεῖν, ἢ ὑπὲρ ὧν οὗτοι πεποιήκασιν
ἀπολογήσασθαι. καίτοι λέγουσιν ὡς Ἐρατοσθένει
ἐλάχιστα τῶν τριάκοντα κακὰ εἴργασται, καὶ διὰ
τοῦτο αὐτὸν ἀξιοῦσι σωθῆναι· ὅτι δὲ τῶν ἄλλων
90 Ἑλλήνων πλεῖστα εἰς ὑμᾶς ἐξημάρτηκεν, οὐκ οἴονται
χρῆναι αὐτὸν ἀπολέσθαι; ὑμεῖς δὲ δείξατε
ἥντινα γνώμην ἔχετε περὶ τῶν πραγμάτων. εἰ
μὲν γὰρ τούτου καταψηφιεῖσθε, δῆλοι ἔσεσθε ὡς
ὀργιζόμενοι τοῖς πεπραγμένοις· εἰ δὲ ἀποψηφιεῖσθε,
ὀφθήσεσθε τῶν αὐτῶν ἔργων ἐπιθυμηταὶ τούτοις
ὄντες, καὶ οὐχ ἕξετε λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα
91 προσταχθέντα ἐποιεῖτε· νυνὶ μὲν γὰρ οὐδεὶς
ὑμᾶς ἀναγκάζει παρὰ τὴν ὑμετέραν γνώμην
ψηφίζεσθαι.[2] ὥστε συμβουλεύω μὴ τούτων ἀποψηφισαμένους
ὑμῶν αὐτῶν καταψηφίσασθαι. μηδ'
οἴεσθε κρύβδην τὴν ψῆφον εἶναι· φανερὰν γὰρ τῇ
πόλει τὴν ὑμετέραν γνώμην ποιήσετε.

92 Βούλομαι δὲ ὀλίγα ἑκατέρους ἀναμνήσας καταβαίνειν,
τούς τε ἐξ ἄστεως καὶ τοὺς ἐκ Πειραιῶς,
ἵνα τὰς ὑμῖν διὰ τούτων γεγενημένας συμφορὰς
παραδείγματα ἔχοντες τὴν ψῆφον φέρητε. καὶ
πρῶτον μὲν ὅσοι ἐξ ἄστεώς ἐστε, σκέψασθε ὅτι
ὑπὸ τούτων οὕτω σφόδρα ἤρχεσθε, ὥστε ἀδελφοῖς
καὶ ὑέσι καὶ πολίταις ἠναγκάζεσθε πολεμεῖν
τοιοῦτον πόλεμον, ἐν ᾧ ἡττηθέντες μὲν τοῖς
93 νικήσασι τὸ ἴσον ἔχετε, νικήσαντες δ' ἂν τούτοις

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[1] δήπου Sauppe: ἤπου MSS.

[2] ψηφίζεσθαι Bekker: ἀποψηφίζεσθαι MSS.

very men who destroyed the city will have many people, I imagine, to conduct their funerals, since so many are making efforts to shield them ? Moreover, I am sure it was far easier to speak in opposition to them on the subject of your sufferings than it is now in defence of what they have done. We are told, indeed, that of the Thirty Eratosthenes has done the least harm, and it is claimed that on this ground he should escape ; but is it not felt that for having committed more offences against you than all the other Greeks he ought to be destroyed ? It is for you to show what view you take of those practices. If you condemn this man, you will declare your indignation at the things that have been done ; but if you acquit him, you will be recognized as aspirants to the same conduct as theirs, and you will be unable to say that you are carrying out the injunctions of the Thirty, since nobody to-day is compelling you to vote against your judgement. So I counsel you not to condemn yourselves by acquitting them. Nor should you suppose that your voting is in secret ; for you will make your judgement manifest to the city.

But before I step down, I desire to recall a few facts to the minds of both parties—that of the town and that of the Peiraeus—in order that you may take warning from the disasters brought upon you through the agency of these men, before you give your vote. In the first place, all you of the town party should consider that you were so oppressed by the rule of these men that you were compelled to wage against your brothers, your sons and your fellow-citizens a strange warfare in which your defeat has given you equal rights with the victors, whereas your victory would have made you the slaves of these men. They

ἐδουλεύετε. καὶ τοὺς ἰδίους οἴκους οὗτοι μὲν [ἂν][1]
ἐκ τῶν πραγμάτων μεγάλους ἐκτήσαντο, ὑμεῖς δὲ
διὰ τὸν πρὸς ἀλλήλους πόλεμον ἐλάττους ἔχετε·
συνωφελεῖσθαι μὲν γὰρ ὑμᾶς οὐκ ἠξίουν, συνδιαβάλλεσθαι
δ' ἠνάγκαζον, εἰς τοσοῦτον ὑπεροψίας
ἐλθόντες ὥστε οὐ τῶν ἀγαθῶν κοινούμενοι πιστοὺς
ὑμᾶς ἐκτῶντο, ἀλλὰ τῶν ὀνειδῶν μεταδιδόντες
94 εὔνους ᾤοντο εἶναι. ἀνθ' ὧν ὑμεῖς νῦν ἐν τῷ
θαρραλέῳ ὄντες, καθ' ὅσον δύνασθε, καὶ ὑπὲρ
ὑμῶν αὐτῶν καὶ ὑπὲρ τῶν ἐκ Πειραιῶς τιμωρήσασθε,
[129] ἐνθυμηθέντες μὲν ὅτι ὑπὸ τούτων πονηροτάτων[2]
ὄντων ἤρχεσθε, ἐνθυμηθέντες δὲ ὅτι μετ'
ἀνδρῶν νῦν ἀρίστων πολιτεύεσθε καὶ τοῖς πολεμίοις
μάχεσθε καὶ περὶ τῆς πόλεως βουλεύεσθε,
ἀναμνησθέντες δὲ τῶν ἐπικούρων, οὓς οὗτοι
φύλακας τῆς σφετέρας[3] ἀρχῆς καὶ τῆς ὑμετέρας
95 δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν. καὶ
πρὸς ὑμᾶς μὲν ἔτι πολλῶν ὄντων εἰπεῖν τοσαῦτα
λέγω. ὅσοι δ' ἐκ Πειραιῶς ἐστε, πρῶτον μὲν
τῶν ὅπλων ἀναμνήσθητε, ὅτι πολλὰς μάχας ἐν τῇ
ἀλλοτρίᾳ μαχεσάμενοι οὐχ ὑπὸ τῶν πολεμίων ἀλλ'
ὑπὸ τούτων εἰρήνης οὔσης ἀφῃρέθητε τὰ ὅπλα,
ἔπειθ' ὅτι ἐξεκηρύχθητε μὲν ἐκ τῆς πόλεως, ἣν
ὑμῖν οἱ πατέρες παρέδοσαν, φεύγοντας δὲ ὑμᾶς ἐκ
96 τῶν πόλεων ἐξῃτοῦντο.[4] ἀνθ' ὧν ὀργίσθητε μὲν
ὥσπερ ὅτ' ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν
ἄλλων κακῶν ἃ πεπόνθατε ὑπ' αὐτῶν, οἳ τοὺς μὲν
ἐκ τῆς ἀγορᾶς τοὺς δ' ἐκ τῶν ἱερῶν συναρπάζοντες

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[1] ἂν del. Baiter.

[2] πονηροτάτων Reiske: πονηροτέρων mss.

[3] σφετέρας Markland: ὑμετέρας mss.

[4] ἐξῃτοῦντο Contius: ἐζητοῦντο mss.

have enlarged their private establishments by means of their public conduct, while you find yours reduced by your warfare against each other : for they did not permit you to share their advantages, though they compelled you to share their ill-fame ; and they carried disdain so far that, instead of enlisting your fidelity by a communication of their benefits, they thought to ensure your sympathy by a partnership in their scandals. In return, now that you feel secure, go to the limit of your powers, on your own behalf as on that of the Peiraeus party, in taking your vengeance. Reflect that in these men you found the most villainous of rulers ; reflect that you now have the best men with you in tenure of our civic rights, in fighting the enemy, and in deliberating on affairs of State ; and remember the auxiliaries [a] whom these men stationed in the Acropolis as guardians of their dominion and of your slavery. I have much else to say to you, but I will say no more. And all you of the Peiraeus party, remember first the matter of the arms,—how after fighting many battles on foreign soil you were deprived of your arms, not by the enemy, but by these men, in a time of peace ; and next, that you were formally banished from the city which your fathers bequeathed to you, and when you were in exile they demanded your persons from the various cities. In return you should feel the same anger as when you were exiles, and remember besides the other injuries that you suffered from these men, who with violent hands snatched some from the market-place, and some from the temples, and put

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[a] The guard of 700 mercenary troops sent in by Sparta to assist the Thirty.

βιαίως ἀπέκτειναν,[1] *τοὺς δὲ ἀπὸ τέκνων καὶ*
γονέων καὶ γυναικῶν ἀφέλκοντες[2] *φονέας αὑτῶν*
ἠνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης
εἴασαν τυχεῖν, ἡγούμενοι τὴν αὑτῶν ἀρχὴν
βεβαιοτέραν εἶναι τῆς παρὰ τῶν θεῶν τιμωρίας.
97 *ὅσοι δὲ τὸν θάνατον διέφυγον, πολλαχοῦ κινδυνεύσαντες*
καὶ εἰς πολλὰς πόλεις πλανηθέντες
καὶ πανταχόθεν ἐκκηρυττόμενοι, ἐνδεεῖς ὄντες
τῶν ἐπιτηδείων, οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι
τοὺς παῖδας καταλιπόντες, οἱ δ' ἐν ξένῃ γῇ,
πολλῶν ἐναντιουμένων ἤλθετε εἰς τὸν Πειραιᾶ.
πολλῶν δὲ καὶ μεγάλων κινδύνων ὑπαρξάντων ἄνδρες
ἀγαθοὶ γενόμενοι τοὺς μὲν ἠλευθερώσατε, τοὺς
98 *δ' εἰς τὴν πατρίδα κατηγάγετε. εἰ δὲ ἐδυστυχήσατε*
καὶ τούτων ἡμάρτετε, αὐτοὶ μὲν ἂν δείσαντες
ἐφεύγετε μὴ πάθητε τοιαῦτα οἷα καὶ πρότερον,
καὶ οὔτ' ἂν ἱερὰ οὔτε βωμοὶ ὑμᾶς ἀδικουμένους
διὰ τοὺς τούτων τρόπους ὠφέλησαν, ἃ καὶ
τοῖς ἀδικοῦσι σωτήρια γίγνεται· οἱ δὲ παῖδες
ὑμῶν, ὅσοι μὲν ἐνθάδε ἦσαν, ὑπὸ τούτων ἂν
ὑβρίζοντο, οἱ δ' ἐπὶ ξένης μικρῶν ἂν ἕνεκα συμβολαίων
ἐδούλευον ἐρημίᾳ τῶν ἐπικουρησόντων.
99 *'Αλλὰ γὰρ οὐ τὰ μέλλοντα ἔσεσθαι βούλομαι*
λέγειν, τὰ πραχθέντα ὑπὸ τούτων οὐ δυνάμενος
εἰπεῖν. οὐδὲ γὰρ ἑνὸς κατηγόρου οὐδὲ δυοῖν ἔργον
ἐστίν, ἀλλὰ πολλῶν. ὅμως δὲ τῆς ἐμῆς προθυμίας
<οὐδὲν>[3] *ἐλλέλειπται, ὑπέρ <τε>*[4] *τῶν ἱερῶν, ἃ*
οὗτοι τὰ μὲν ἀπέδοντο τὰ δ' εἰσιόντες ἐμίαινον,
ὑπέρ τε τῆς πόλεως, ἣν μικρὰν ἐποίουν, ὑπέρ τε
τῶν νεωρίων, ἃ καθεῖλον, καὶ ὑπὲρ τῶν τεθνεώτων,

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[1] *ἀπέκτειναν* Reiske: *ἀπέκτενον* MSS.

[2] *ἀφέλκοντες* Reiske: *ἀφελόντες* MSS.

them to death; while others they tore from their children, their parents and their wives, and compelled to self-slaughter, and then did not even allow them to be given the customary burial, conceiving their own authority to be proof against the vengeance of Heaven. As many as escaped death encountered danger in many places, and wandered to many cities, and were banished from each refuge: in want of subsistence, having left behind you your children either in your native land, now turned hostile, or else on foreign soil, you came, despite many adversities, to the Peiraeus. Beset by many great perils, you proved yourselves men of true valour, and liberated one party while restoring the other to their native land. If you had been unfortunate, and had failed of these achievements, in your turn you would have gone into exile through fear of more afflictions like the past, and owing to the methods of these men you would have found no shelter from your wrongs in either temples or altars, where even wrongdoers are secure. Of your children, as many as were here would have been foully assaulted by these men, while those in foreign parts would have been enslaved for petty debts, cut off from all possible assistance.

But I have no wish to speak of things that might have befallen, when I find myself unable to recount what these men have actually done: that is a task, not for one accuser, nor for two, but for many. Nevertheless, of zeal on my part there has been no lack in defence of the temples which these men have either sold or defiled by their presence; in defence of the city which they abased; on behalf of the arsenals, which they demolished; and on behalf of the dead, whom

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[3] *οὐδὲν* add. Canter.

[4] *τε* add. Sauppe.

οἷς ὑμεῖς, ἐπειδὴ ζῶσιν ἐπαμῦναι οὐκ ἐδύνασθε,
100 ἀποθανοῦσι βοηθήσατε. οἶμαι δ' αὐτοὺς ἡμῶν[1] τε ἀκροᾶσθαι καὶ ὑμᾶς εἴσεσθαι τὴν ψῆφον φέροντας, ἡγουμένους, ὅσοι μὲν ἂν τούτων ἀποψηφίσησθε, αὐτῶν θάνατον κατεψηφισμένους ἔσεσθαι,[2] ὅσοι δ' ἂν παρὰ τούτων δίκην λάβωσιν, ὑπὲρ αὐτῶν τιμωρίας πεποιημένους.

Παύσομαι κατηγορῶν. ἀκηκόατε, ἑωράκατε, πεπόνθατε, ἔχετε· δικάζετε.

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[1] ἡμῶν Auger: ὑμῶν MSS.

[2] κατεψηφισμένους ἔσεσθαι Kayser: καταψηφιεῖσθαι MSS.

you were unable to protect in life, and must therefore vindicate in death. I fancy that they are listening to us, and will know you by the vote that you give; they will feel that those of you who acquit these men will have passed sentence of death on them, while those who inflict the merited penalty will have acted as their avengers.

I will here conclude my accusation. You have heard, you have seen, you have suffered; you have them: give judgement.

XIII. AGAINST AGORATUS: IN PURSUANCE OF A WRIT

INTRODUCTION

Agoratus, a man of servile birth, had contrived to obtain certain privileges,—not amounting, however, to those of full citizenship, as he pretended,—by claiming to have had a hand in killing Phrynichus, one of the Four Hundred, in 411 B.C. During the next seven years he had practised the vile trade of informer: in 404 especially, when the humiliating peace was procured from Sparta by Theramenes, he was employed by the Thirty Oligarchs to incriminate those citizens who appeared to be thwarting their plans by objecting to the severity of the Spartan conditions. The arrangement made with Agoratus was that he should be accused of conspiring with a number of others against the peace, but should assist the repressive measures of his masters by denouncing his alleged associates, while thus securing immunity for himself. He was accused by Theocritus, and some of the Council went down to the Peiraeus to arrest him: he played his part by taking sanctuary at the altar of Artemis in Munichia. Some friends or interested persons offered him an easy means of escape by sea, and their company on the voyage; but he declined their offer, and denounced these same persons, and also some of the generals and commanders. He and his victims were all put in prison, and the peace with Sparta was finally agreed.

The government was immediately seized by the Thirty, and the prisoners were brought to trial; not before a full popular "court of two thousand" (§ 35), as had been decreed by the Council at the time of their arrest, but before the new Council, which was entirely subservient to the Thirty. They were all condemned to death, except Agoratus, who was banished. Towards the end of the year (404) he joined the democrats under Thrasybulus at Phyle; but both then and in their subsequent advance upon Athens they would have nothing to do with him. Some five or six years later, under the restored democracy,—this must be about 399 B.C., the year of Socrates' trial,—he is accused of the murder of Dionysodorus, one of the victims of the Thirty, and probably one of the generals or commanders. The prosecutor is the cousin and brother-in-law of Dionysodorus, though the writ of arrest was in the name of a brother, Dionysius.

Historically the interest of the speech is similar to that of the accusation of Eratosthenes; but it differs in confining itself to a personal demand for vengeance upon the murderer of the speaker's relative: thus the historical allusions are only incidental and subsidiary to the main appeal for private satisfaction. The excuse offered for bringing this suit for "murder" so long after the crime had been committed, and in spite of the amnesty ordained at the restoration of the democracy, is that another man, Menestratus, long after he had similarly assisted in the crimes of the Thirty, had been condemned and executed for murder by the people. The summary arrest of Agoratus appears to have been possible solely because he was not in possession of full civic rights: but even so, the Eleven insisted on the insertion of the words "taken in the act" in the writ against him. The prosecution accordingly has to justify the action by making out that Agoratus's deposition of the names of his victims before the people amounted to his being caught in the act of their murder. It is interesting to observe how Lysias deals with this obvious difficulty.

The first half of the speech (1-48) gives a full and lively account of the conduct of Agoratus as an agent of the Thirty: frequently, without attempt at proof, it charges all the calamities of the State on his sinister activities. Emphasis is laid on the pathetic end of Dionysodorus and his companions in misfortune (39-42), and also on the glaring fact that Agoratus, when he might have made his escape with ease from Munichia, chose to remain and denounce the persons indicted by the Thirty: the inference is that his life had been promised him beforehand as the price of his depositions.

The latter half (49-97) consists of arguments—which in some cases are hardly more than assertions—against the defendant's plea that he was compelled to act as he did (49-63); then, an attack on his personal character (64-82), with special reference to his pretended part in the assassination of Phrynichus; and then some further argument on the legality of prosecuting after so great a lapse of time (83-84), and on the accuser's claim that Agoratus was duly "taken in the act" (85-87) and is not protected by the amnesty (88-90). On this last point the speaker resorts to the patent sophism that an amnesty made between two parties cannot hold between two members of the same party. He concludes with a strong appeal to resentment against the Thirty and their infamous tool, and to sympathy for their dead victims (91-97).

XIII. ΚΑΤΑ ΑΓΟΡΑΤΟΥ ΕΝΔΕΙΞΕΩΣ

1 Προσήκει μέν, ὦ ἄνδρες δικασταί, πᾶσιν ὑμῖν
τιμωρεῖν ὑπὲρ τῶν ἀνδρῶν οἳ ἀπέθανον εὖνοι ὄντες
τῷ πλήθει τῷ ὑμετέρῳ, προσήκει δὲ κἀμοὶ οὐχ
ἥκιστα· κηδεστὴς γάρ μοι ἦν Διονυσόδωρος καὶ
ἀνεψιός. τυγχάνει οὖν ἐμοὶ ἡ αὐτὴ ἔχθρα πρὸς
Ἀγόρατον τουτονὶ καὶ τῷ πλήθει τῷ ὑμετέρῳ
ὑπάρχουσα· ἔπραξε γὰρ οὗτος τοιαῦτα, δι᾽ ἃ ὑπ᾽
[130] ἐμοῦ νυνὶ εἰκότως μισεῖται, ὑπό τε ὑμῶν, ἐὰν θεὸς
2 θέλῃ, δικαίως τιμωρηθήσεται. Διονυσόδωρον γὰρ
τὸν κηδεστὴν τὸν ἐμὸν καὶ ἑτέρους πολλούς, ὧν
δὴ τὰ ὀνόματα ἀκούσεσθε, ἄνδρας ὄντας ἀγαθοὺς
περὶ τὸ πλῆθος τὸ ὑμέτερον, ἐπὶ τῶν τριάκοντα
ἀπέκτεινε, μηνυτὴς κατ᾽ ἐκείνων γενόμενος. ποιήσας δὲ ταῦτα ἐμὲ μὲν ἰδίᾳ καὶ ἕκαστον τῶν
προσηκόντων μεγάλα ἐζημίωσε, τὴν δὲ πόλιν
κοινῇ πᾶσαν τοιούτων ἀνδρῶν ἀποστερήσας οὐ
3 μικρά, ὡς ἐγὼ νομίζω, ἔβλαψεν. ἐγὼ οὖν, <ὦ>[1]
ἄνδρες δικασταί, δίκαιον καὶ ὅσιον ἡγοῦμαι εἶναι
καὶ ἐμοὶ καὶ ὑμῖν ἅπασι τιμωρεῖσθαι καθ᾽ ὅσον
ἕκαστος δύναται· καὶ ποιοῦσι ταῦτα νομίζω ἡμῖν
καὶ παρὰ θεῶν καὶ παρ᾽ ἀνθρώπων ἄμεινον ἂν
γίγνεσθαι. δεῖ δ᾽ ὑμᾶς, ὦ ἄνδρες Ἀθηναῖοι, ἐξ
4 ἀρχῆς τῶν πραγμάτων ἀπάντων ἀκοῦσαι, ἵν᾽

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[1] ὦ add. Markland.

XIII. AGAINST AGORATUS: IN PURSUANCE OF A WRIT

It is the duty of you all, gentlemen of the jury, to avenge the men who were put to death as supporters of your democracy, and it is also my duty in particular; for Dionysodorus was my brother-in-law and cousin. It happens, therefore, that I share with your democracy the same settled animosity against the defendant, Agoratus; the acts that he has committed are of a kind to give me good reason to hate him to-day, and justification to you for the penalty which, by Heaven's will, you are to impose on him. For Dionysodorus, my brother-in-law, and many others whose names you shall be duly told,—all loyal friends of your democracy,—were done to death by him in the time of the Thirty, through his act in informing against them. By this conduct he inflicted not only grievous losses on me and each of their relatives as individuals, but serious injuries—so I consider—on the whole city at large, by depriving it of men of that character. I therefore, gentlemen, consider it an act of justice and piety in all of you as well as myself to take vengeance as far as each of us is able; and I think we should stand better both with the gods and with mankind if we did so. You must hear the whole of the circumstances, gentlemen, from the beginning, in order that

εἰδῆτε πρῶτον μὲν ᾧ τρόπῳ ὑμῖν ἡ δημοκρατία κατελύθη καὶ ὑφ᾿ ὅτου, ἔπειτα ᾧ τρόπῳ οἱ ἄνδρες ὑπ᾿ Ἀγοράτου ἀπέθανον, καὶ δὴ ὅ τι[1] ἀποθνῄσκειν μέλλοντες ἐπέσκηψαν· ἅπαντα γὰρ ταῦτα ἀκριβῶς ἂν μαθόντες ἥδιον καὶ ὁσιώτερον Ἀγοράτου τουτουὶ καταψηφίζοισθε. ὅθεν οὖν ἡμεῖς τε ῥᾷστα διδάξομεν καὶ ὑμεῖς μαθήσεσθε, ἐντεῦθεν ὑμῖν ἄρξομαι διηγεῖσθαι.

5 Ἐπειδὴ γὰρ αἱ νῆες αἱ ὑμέτεραι διεφθάρησαν καὶ τὰ πράγματα ‹τὰ›[2] ἐν τῇ πόλει ἀσθενέστερα ἐγεγένητο, οὐ πολλῷ χρόνῳ ὕστερον αἵ τε νῆες αἱ Λακεδαιμονίων ἐπὶ τὸν Πειραιᾶ ἀφικνοῦνται, καὶ ἅμα λόγοι πρὸς Λακεδαιμονίους περὶ τῆς 6 εἰρήνης ἐγίγνοντο. ἐν δὲ τῷ χρόνῳ τούτῳ οἱ βουλόμενοι νεώτερα πράγματα ἐν τῇ πόλει γίγνεσθαι ἐπεβούλευον, νομίζοντες κάλλιστον καιρὸν εἰληφέναι καὶ μάλιστ᾿ ‹ἂν›[3] ἐν τῷ τότε χρόνῳ τὰ πράγματα, ὡς αὐτοὶ ἐβούλοντο, καταστήσασθαι. 7 ἡγοῦντο δὲ οὐδὲν ἄλλο σφίσιν ἐμποδὼν εἶναι ἢ τοὺς τοῦ δήμου προεστηκότας καὶ τοὺς στρατηγοῦντας καὶ ταξιαρχοῦντας. τούτους οὖν ἐβούλοντο ἁμῶς γέ πως ἐκποδὼν ποιήσασθαι, ἵνα ῥᾳδίως ἃ βούλοιντο διαπράττοιντο. πρῶτον μὲν οὖν 8 Κλεοφῶντι ἐπέθεντο ἐκ τρόπου τοιούτου. ὅτε γὰρ ἡ πρώτη ἐκκλησία περὶ τῆς εἰρήνης ἐγίγνετο καὶ οἱ παρὰ Λακεδαιμονίων ἥκοντες ἔλεγον ἐφ᾿ οἷς ἕτοιμοι εἶεν τὴν εἰρήνην ποιεῖσθαι Λακεδαιμόνιοι, εἰ κατασκαφείη τῶν τειχῶν τῶν μακρῶν ἐπὶ δέκα στάδια ἑκατέρου, τότε ὑμεῖς τε, ὦ ἄνδρες

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[1] δὴ ὅ τι Taylor: διότι MSS.

[2] τὰ add. Sauppe.

[3] ἂν add. Auger.

you may know, first, in what manner your democracy was dissolved, and by whom; second, in what manner those men were done to death by Agoratus; and further, what injunction they gave when they were about to die. For when you have been accurately informed of all these things you will with the more pleasure and piety condemn this man Agoratus. I shall therefore start my relation at a point from which it will be easiest both for me to explain and for you to understand.

When your ships had been destroyed[a] and the resources of the city had been enfeebled, the ships of the Lacedaemonians arrived soon after at the Peiraeus, and negotiations for peace were made at once with the Lacedaemonians. At this moment those who desired to have a revolution in the State were busy with their plots, conceiving that they had found an excellent opportunity, and that this was the very moment for them to arrange the government according to their own desire. The only obstacles that they saw in their path were the eaders of the popular party and the generals and commanders. These they consequently sought to lear out of their way by fair means or foul, in order hat they might achieve their ends with ease. So hey began with an attack on Cleophon[b] in the following manner. When the first Assembly was held on he question of peace, and the emissaries of the acedaemonians stated the terms on which the acedaemonians were prepared to make peace,—n condition that the Long Walls were demolished, ch to the extent of ten stades,—you then refused,

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[a] At Aegospotami, 405 B.C.
[b] A democratic and anti-Spartan orator.

Ἀθηναῖοι, οὐκ ἠνέσχεσθε ἀκούσαντες περὶ τῶν
τειχῶν τῆς κατασκαφῆς, Κλεοφῶν τε ὑπὲρ ὑμῶν
πάντων ἀναστὰς ἀντεῖπεν ὡς οὐδενὶ τρόπῳ οἷόν
9 τε εἴη ποιεῖν ταῦτα. μετὰ δὲ ταῦτα Θηραμένης,
ἐπιβουλεύων τῷ πλήθει τῷ ὑμετέρῳ, ἀναστὰς
λέγει ὅτι, ἐὰν αὐτὸν ἕλησθε περὶ τῆς εἰρήνης
πρεσβευτὴν αὐτοκράτορα, ποιήσει ὥστε μήτε
τῶν τειχῶν διελεῖν μήτε ἄλλο τὴν πόλιν ἐλαττῶσαι
μηδέν· οἴοιτο δὲ καὶ ἄλλο τι ἀγαθὸν παρὰ
10 Λακεδαιμονίων τῇ πόλει εὑρήσεσθαι. πεισθέντες
δὲ ὑμεῖς εἵλεσθε ἐκεῖνον πρεσβευτὴν αὐτοκράτορα,
ὃν τῷ προτέρῳ ἔτει στρατηγὸν χειροτονηθέντα
ἀπεδοκιμάσατε, οὐ νομίζοντες εὔνουν εἶναι τῷ
11 πλήθει τῷ ὑμετέρῳ. ἐκεῖνος μὲν οὖν ἐλθὼν εἰς
Λακεδαίμονα ἔμενεν ἐκεῖ πολὺν χρόνον, καταλιπὼν
ὑμᾶς πολιορκουμένους, εἰδὼς τὸ ὑμέτερον πλῆθος
ἐν ἀπορίᾳ ἐχόμενον καὶ διὰ τὸν πόλεμον καὶ τὰ
κακὰ τοὺς πολλοὺς τῶν ἐπιτηδείων ἐνδεεῖς ὄντας,
νομίζων, εἰ διαθείη ὑμᾶς [ἀπόρως][1] ὥσπερ διέθηκεν,
ἀσμένως ὁποιαντινοῦν ἐθελῆσαι ἂν εἰρήνην ποιήσασθαι.
12 οἱ δ' ἐνθάδε ὑπομένοντες καὶ ἐπιβουλεύοντες
καταλῦσαι τὴν δημοκρατίαν εἰς ἀγῶνα
Κλεοφῶντα καθιστᾶσι, πρόφασιν μὲν ὅτι οὐκ
ἦλθεν εἰς τὰ ὅπλα ἀναπαυσόμενος, τὸ δ' ἀληθὲς
ὅτι ἀντεῖπεν ὑπὲρ ὑμῶν μὴ καθαιρεῖν τὰ τείχη.
ἐκείνῳ μὲν οὖν δικαστήριον παρασκευάσαντες
καὶ εἰσελθόντες οἱ βουλόμενοι ὀλιγαρχίαν καταστήσασθαι
ἀπέκτειναν ἐν τῇ προφάσει ταύτῃ.
13 Θηραμένης δὲ ὕστερον ἀφικνεῖται ἐκ Λακεδαίμονος.

[1] ἀπόρως del. Kayser.

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[a] An examination of officers and magistrates between

men of Athens, to stomach what you had heard as to the demolition of the walls, and Cleophon arose and protested on behalf of you all that by no means could the thing be done. After that Theramenes, who was plotting against your democracy, arose and said that, if you would appoint him an ambassador to treat for peace with a free hand, he would arrange that there should be neither a breach made in the walls nor any other abasement of the city; and that he thought he would contrive even to get from the Lacedaemonians some additional boon for the city. You were persuaded, and appointed as an ambassador with a free hand the man whom in the previous year, after his election to the generalship, you had rejected on his scrutiny,[a] because you judged him disloyal to your democracy. Well, he went to Lacedaemon and stayed there a long time, though he had left you here in a state of siege, and knew that your population was in desperate straits, as owing to the war and its distresses the majority must be in want of the necessaries of life. But he thought that, if he should reduce you to the condition to which he in fact reduced you, you would be only too glad to make peace on any sort of terms. The others remained here, with the design of subverting the democracy: they brought Cleophon to trial, on the pretext that he did not go to the camp for his night's rest, but really because he had spoken on your behalf against the destruction of the walls. So they packed a jury for his trial, and these promoters of oligarchy appeared before the court and had him put to death on that pretext. Theramenes arrived later from Lacedaemon.

their election in spring and their assumption of office after midsummer.

προσιόντες δ' αὐτῷ τῶν τε στρατηγῶν[1] τινες καὶ
[131] τῶν ταξιάρχων, ὧν ἦν Στρομβιχίδης καὶ Διονυσόδωρος,
καὶ ἄλλοι τινὲς τῶν πολιτῶν εὐνοοῦντες
ὑμῖν, ὥς γ' ἐδήλωσαν ὕστερον, ἠγανάκτουν σφόδρα.
ἦλθε γὰρ φέρων εἰρήνην τοιαύτην, ἣν ἡμεῖς ἔργῳ
μαθόντες ἔγνωμεν· πολλοὺς γὰρ τῶν πολιτῶν καὶ
14 ἀγαθοὺς ἀπωλέσαμεν, καὶ αὐτοὶ ὑπὸ τῶν τριάκοντα
ἐξηλάθημεν. ἐνῆν[2] γὰρ ἀντὶ μὲν τοῦ ἐπὶ δέκα
στάδια τῶν μακρῶν τειχῶν διελεῖν ὅλα τὰ μακρὰ
τείχη διασκάψαι, ἀντὶ δὲ τοῦ ἄλλο τι ἀγαθὸν τῇ
πόλει εὑρέσθαι τάς τε ναῦς παραδοῦναι [τοῖς
Λακεδαιμονίοις][3] καὶ τὸ περὶ τὸν Πειραιᾶ τεῖχος
15 περιελεῖν. ὁρῶντες δὲ οὗτοι οἱ ἄνδρες ὀνόματι
μὲν εἰρήνην λεγομένην, τῷ δ' ἔργῳ τὴν δημοκρατίαν
καταλυομένην, οὐκ ἔφασαν ἐπιτρέψειν ταῦτα γενέσθαι,
οὐκ ἐλεοῦντες, ὦ ἄνδρες Ἀθηναῖοι, τὰ
τείχη, εἰ πεσεῖται, οὐδὲ κηδόμενοι τῶν νεῶν, εἰ
Λακεδαιμονίοις παραδοθήσονται (οὐδὲν γὰρ αὐτοῖς
16 τούτων πλέον ἢ ὑμῶν ἑκάστῳ προσῆκεν), ἀλλ'
αἰσθόμενοι ἐκ τοῦ τρόπου τούτου τὸ ὑμέτερον
πλῆθος καταλυθησόμενον, οὐδ', ὥς φασί τινες,
οὐκ ἐπιθυμοῦντες εἰρήνην γίγνεσθαι, ἀλλὰ βουλόμενοι
βελτίω ταύτης εἰρήνην τῷ δήμῳ τῷ[4]
Ἀθηναίων ποιήσασθαι. ἐνόμιζον δὲ δυνήσεσθαι,
καὶ ἔπραξαν ἂν ταῦτα, εἰ μὴ ὑπ' Ἀγοράτου
17 τουτουὶ ἀπώλοντο. γνοὺς δὲ ταῦτα Θηραμένης
καὶ οἱ ἄλλοι οἱ ἐπιβουλεύοντες ὑμῖν, ὅτι εἰσί τινες
οἳ κωλύσουσι τὸν δῆμον καταλυθῆναι καὶ ἐναντιώ-

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[1] στρατηγῶν Markland: στρατιωτῶν mss.

[2] ἐνῆν Halbertsma: ἦν mss.

[3] τοῖς Λακεδαιμονίοις del. Fuhr.

[4] τῷ Fuhr: τῶν mss.

Then some of the generals and commanders—among them Strombichides[a] and Dionysodorus, and some other citizens, who were loyal to you, as indeed they showed later—went to him and protested strongly. For he had brought to us a peace whose nature we had learnt through the lessons of experience, since we had lost a great number of worthy citizens, and had ourselves been banished by the Thirty. Instead of a breach of ten stades' length in the Long Walls, its terms required the razing of the Long Walls in their entirety; and instead of his contriving to get some additional boon for the city, we were to surrender our ships and dismantle the wall around the Peiraeus. These men perceived that, although nominally we had the promise of peace, in actual fact it was the dissolution of the democracy, and they refused to authorize such a proceeding: their motive was not pity, men of Athens, for the walls that were to come down, or regret for the fleet that was to be surrendered to the Lacedaemonians,—for they had no closer concern in these than each one of you,—but they could see that this would be the means of subverting your democracy; nor were they lacking, as some declare, in eagerness for the conclusion of peace, but they desired to arrange a better peace than this for the Athenian people. They believed that they would be able to do it, and they would have succeeded, had they not been destroyed by this man Agoratus. Theramenes and the others who were intriguing against you took note of the fact that there were some men proposing to prevent the subversion of the democracy and to make a stand for the defence

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[a] An Athenian general at the close of the Peloponnesian War; *cf.* Thucydides viii. 15, 30, 62.

σονται περὶ τῆς ἐλευθερίας, εἵλοντο, πρὶν τὴν
ἐκκλησίαν τὴν περὶ τῆς εἰρήνης γενέσθαι, τούτους
πρῶτον εἰς διαβολὰς καὶ κινδύνους καταστῆσαι,
ἵνα μηδεὶς ἐκεῖ ὑπὲρ τοῦ ὑμετέρου πλήθους ἀντιλέγοι.
ἐπιβουλὴν οὖν τοιαύτην ἐπιβουλεύουσι.
18 πείθουσι γὰρ Ἀγόρατον τουτονὶ μηνυτὴν κατὰ
τῶν στρατηγῶν καὶ τῶν ταξιάρχων γενέσθαι, οὐ
συνειδότα ἐκείνοις, ὦ ἄνδρες Ἀθηναῖοι, οὐδέν
(οὐ γὰρ δήπου ἐκεῖνοι οὕτως ἀνόητοι ἦσαν καὶ
ἄφιλοι, ὥστε περὶ τηλικούτων ἂν πραγμάτων
πράττοντες Ἀγόρατον ὡς πιστὸν καὶ εὔνουν,
δοῦλον καὶ ἐκ δούλων ὄντα, παρεκάλεσαν), ἀλλ'
ἐδόκει αὐτοῖς οὗτος ἐπιτήδειος εἶναι μηνυτής.
19 ἐβούλοντο οὖν ἄκοντα δοκεῖν αὐτὸν καὶ μὴ ἑκόντα
μηνύειν, ὅπως πιστοτέρα ἡ μήνυσις φαίνοιτο.[1]
ὡς δὲ ἑκὼν ἐμήνυσε, καὶ ὑμᾶς οἶμαι ἐκ τῶν
πεπραγμένων αἰσθήσεσθαι. εἰσπέμπουσι[2] γὰρ εἰς
τὴν βουλὴν [τὴν πρὸ τῶν τριάκοντα βουλεύουσαν][3]
Θεόκριτον τὸν τοῦ Ἐλαφοστίκτου καλούμενον·
ὁ δὲ Θεόκριτος οὗτος ἑταῖρος ἦν τῷ Ἀγοράτῳ
20 καὶ ἐπιτήδειος. ἡ δὲ βουλὴ ἡ πρὸ τῶν τριάκοντα
βουλεύουσα διέφθαρτο καὶ ὀλιγαρχίας ἐπεθύμει,
ὡς ἴστε, μάλιστα. τεκμήριον δέ· οἱ γὰρ πολλοὶ
<οἱ>[4] ἐξ ἐκείνης τῆς βουλῆς τὴν ὑστέραν[5] βουλὴν
<τὴν>[6] ἐπὶ τῶν τριάκοντα ἐβούλευον. τοῦ δ'
ἕνεκα ταῦτα λέγω ὑμῖν; ἵν' εἰδῆτε, ὅτι τὰ ψηφίσματα
<τὰ>[7] ἐξ ἐκείνης τῆς βουλῆς οὐκ ἐπ'[8]
εὐνοίᾳ τῇ ὑμετέρᾳ ἀλλ' ἐπὶ καταλύσει τοῦ δήμου

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[1] πιστοτέρα ἡ μήνυσις φαίνοιτο Francken: πιστότερα ὑμῖν ὑποφαίνοιτο MSS.

[2] εἰσπέμπουσι Dobree: ἐκπέμπουσι MSS.

[3] τὴν . . βουλεύουσαν del. Sluiter.

[4] οἱ add. Scheibe.

[5] ὑστέραν Taylor: ὑμετέραν MSS.

of freedom ; so they resolved, before the Assembly met to consider the peace, to involve these men first in calumnious prosecutions, in order that there should be none to take up the defence of your people at the meeting. Now, let me tell you the scheme that they laid. They persuaded Agoratus here to act as informer against the generals and commanders ; not that he was their accomplice, men of Athens, in any way,—for I presume they were not so foolish and friendless that for such important business they would have called in Agoratus, born and bred a slave, as their trusty ally ; they rather regarded him as a serviceable informer. Their desire was that he should seem to inform unwillingly, instead of willingly, so that the information should appear more trustworthy. But he gave it willingly, as I think you will perceive for yourselves from what has since occurred. For they sent into the Council Theocritus, the man called "the son of Elaphostictus[a]" : this Theocritus was a comrade and intimate of Agoratus. The Council which held session before the time of the Thirty had been corrupted, and its appetite for oligarchy, as you know, was very keen. For proof of it you have the fact that the majority of that Council had seats in the subsequent Council under the Thirty. And what is my reason for making these remarks to you? That you may know that the decrees issued by that Council were all designed, not in loyalty to you, but for the subversion of your

[a] "Deermark" ; from some birth-mark or tattoo, indicating a foreign or servile origin.

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[6] τὴν add. Markland. [7] τὰ add. Bekker.
[8] οὐκ ἐπ' Foertsch : οὐκέτι MSS.

τοῦ ὑμετέρου ἅπαντα ἐγένετο,[1] καὶ ὡς τοιούτοις
21 οὖσιν αὐτοῖς τὸν νοῦν προσέχητε. εἰσελθὼν δὲ
εἰς ταύτην τὴν βουλὴν ἐν ἀπορρήτῳ Θεόκριτος
μηνύει ὅτι συλλέγονταί τινες ἐναντιωσόμενοι τοῖς
τότε καθισταμένοις πράγμασι. τὰ μὲν οὖν ὀνόματα
οὐκ ἔφη αὐτῶν ἐρεῖν καθ' ἕκαστον· ὅρκους τε γὰρ
ὀμωμοκέναι τοὺς αὐτοὺς ἐκείνοις, καὶ εἶναι ἑτέρους
οἳ ἐροῦσι τὰ ὀνόματα, αὐτὸς δὲ οὐκ ἄν ποτε ποιῆσαι
22 ταῦτα. καίτοι εἰ μὴ ἐκ παρασκευῆς ἐμηνύετο,
πῶς οὐκ ἂν ἠνάγκασεν ἡ βουλὴ εἰπεῖν τὰ ὀνόματα
Θεόκριτον καὶ μὴ ἀνώνυμον τὴν μήνυσιν ποιήσασθαι;
νυνὶ δὲ τοῦτο τὸ ψήφισμα ψηφίζεται.[2]

ΨΗΦΙΣΜΑ

23 Ἐπειδὴ τοίνυν τοῦτο τὸ ψήφισμα ἐψηφίσθη,
κατέρχονται ἐπὶ τὸν Ἀγόρατον εἰς τὸν Πειραιᾶ οἱ
αἱρεθέντες[3] τῶν βουλευτῶν, καὶ περιτυχόντες αὐτῷ
ἐν ἀγορᾷ ἐζήτουν ἄγειν. παραγενόμενος δὲ Νικίας
καὶ Νικομένης καὶ ἄλλοι τινές, ὁρῶντες τὰ πράγματα
[132] οὐχ οἷα βέλτιστα ἐν τῇ πόλει ὄντα, ἄγειν μὲν
τὸν Ἀγόρατον οὐκ ἔφασαν προήσεσθαι, ἀφῃροῦντο
δὲ καὶ ἠγγυῶντο καὶ ὡμολόγουν παρέξειν εἰς τὴν
24 βουλήν. γραψάμενοι δὲ οἱ βουλευταὶ τὰ ὀνόματα
τῶν ἐγγυωμένων καὶ κωλυόντων, ἀπιόντες ᾤχοντο
εἰς ἄστυ. ὁ δὲ Ἀγόρατος καὶ οἱ ἐγγυηταὶ καθίζουσιν
ἐπὶ τὸν βωμὸν Μουνιχίασιν· ἐπειδὴ δὲ
ἐκάθισαν, ἐβουλεύοντο τί χρὴ ποιεῖν. ἐδόκει οὖν
τοῖς ἐγγυηταῖς καὶ τοῖς ἄλλοις ἅπασιν ἐκποδὼν ποιήσασθαι[4]
τὸν Ἀγόρατον ὡς τάχιστα, καὶ παρορμίσαν-

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[1] ἐγένετο Markland: ἐλέγετο MSS.

[2] ψηφίζεται Schiebe: ψηφίσετε, ψηφίσατο MSS.

[3] αἱρεθέντες Reiske: διαιρεθέντες MSS.

[4] ποιήσασθαι Foertsch: ποιῆσαι MSS.

democracy, and that you may study them as thus exposed. Theocritus entered this Council, and behind closed doors he informed them that certain persons were combining to oppose the system then being instituted. He declined, however, to give their several names, as he was bound by the same oaths as they were, and there were others who would give the names: he would never do it himself. Yet, if his information was not laid by arrangement, surely the Council could have compelled Theocritus to give the names, instead of laying the information with no names given. But in fact, here is the decree that they voted[a]:—

DECREE

Now when this decree had been passed, the councillors appointed for the purpose went down to the Peiraeus to find Agoratus: they lighted on him in the market, and sought to take him off. On the spot were Nicias, Nicomenes and some others, who, seeing that the business was not going very successfully in the city, refused to allow Agoratus to be taken: they were for releasing him and giving bail, and undertook to produce him before the Council. The councillors, having duly noted the names of those who tendered bail and stopped the arrest, went off to town. Then Agoratus and his sureties seated themselves at the altar on Munichia.[b] Seated there, they debated the question of what should be done. The sureties and everyone else were of opinion that they should get Agoratus out of the way as quickly as possible, and having brought two

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[a] Ordering the arrest of Agoratus.

[b] The citadel on the east side of the Peiraeus, containing an altar of Artemis.

25 τες δύο πλοῖα [Μουνιχίασιν][1] ἐδέοντο αὐτοῦ παντὶ
τρόπῳ ἀπελθεῖν Ἀθήνηθεν, καὶ αὐτοὶ ἔφασαν
συνεκπλευσεῖσθαι, ἕως τὰ πράγματα κατασταίη,
λέγοντες ὅτι, εἰ κομισθείη εἰς τὴν βουλήν, βασανιζόμενος
ἴσως ἀναγκασθήσεται ὀνόματα εἰπεῖν
Ἀθηναίων ὧν ἂν ὑποβάλωσιν οἱ βουλόμενοι κακόν
26 τι ἐν τῇ πόλει ἐργάζεσθαι. ταῦτα ἐκείνων δεομένων
καὶ παρασκευασάντων πλοῖα καὶ αὐτῶν
ἑτοίμων ὄντων συνεκπλεῖν, οὐκ ἠθέλησε πείθεσθαι
αὐτοῖς Ἀγόρατος οὑτοσί. καίτοι, ὦ Ἀγόρατε, εἰ
μή τί σοι ἦν παρεσκευασμένον καὶ ἐπίστευες μηδὲν
κακὸν πείσεσθαι, πῶς οὐκ ἂν ᾤχου καὶ πλοίων
παρεσκευασμένων καὶ τῶν ἐγγυητῶν ἑτοίμων ὄντων
σοι συνεκπλεῖν; ἔτι γὰρ οἷόν τέ σοι ἦν, καὶ οὔπω
27 ἡ βουλή σου ἐκράτει. ἀλλὰ μὲν δὴ οὐχ ὅμοιά
γε σοὶ καὶ ἐκείνοις ὑπῆρχε. πρῶτον μὲν γάρ[2]
Ἀθηναῖοι ἦσαν ὥστε οὐκ ἐδέδισαν βασανισθῆναι·
ἔπειτα πατρίδα σφετέραν αὐτῶν καταλιπόντες
ἕτοιμοι ἦσαν συνεκπλεῖν μετὰ σοῦ, ἡγησάμενοι
ταῦτα μᾶλλον λυσιτελεῖν ἢ τῶν πολιτῶν πολλοὺς
καὶ ἀγαθοὺς ὑπὸ σοῦ ἀδίκως ἀπολέσθαι. σοὶ δὲ
πρῶτον μὲν κίνδυνος ἦν βασανισθῆναι ὑπομείναντι,
28 ἔπειτα οὐ πατρίδα ἂν σαυτοῦ ἀπέλιπες· ὥστ᾽ ἐκ
παντὸς τρόπου σοὶ μᾶλλον ἢ ἐκείνοις ἐκπλεῦσαι
συνέφερεν, εἰ μή τι ἦν ᾧ ἐπίστευες. νῦν δὲ ἄκων
μὲν προσποιεῖ, ἑκὼν δὲ πολλοὺς καὶ ἀγαθοὺς
Ἀθηναίων ἀπέκτεινας. ὡς δὲ[3] παρεσκευάσθη

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[1] Μουνιχίασιν del. Dobree.

[2] γὰρ Mehler: γε MSS.

[3] ὡς δὲ Taylor: ὥστε MSS.

vessels alongside they begged him at all costs to quit Athens, and said that they would themselves accompany him on the voyage until affairs should get settled; they argued that if he were brought up before the Council he would be put to the torture, and would perhaps be compelled to give the names of such Athenians as might be suggested by those who were bent on working some mischief in the city. Although they thus entreated him, and had provided vessels, and were ready themselves to accompany him on the voyage, this man Agoratus refused to take their advice. And yet, Agoratus, unless there had been some prearrangement with you, such as to assure you that you would come to no harm, how could you have failed to make off, when there were vessels provided, and your sureties were ready to accompany you on the voyage? It was still possible for you: the Council had not yet got you in their hands. Nay, indeed, you were not in nearly so good a case as your friends: in the first place, they were Athenians, and so were not in fear of being tortured; and in the second, they were ready to resign their own native land and go on the voyage with you, because they felt that there was more to be gained by this than by your unjust destruction of a large number of good citizens. But you, first of all, were in danger of being tortured if you stayed where you were; and secondly, you would not have been parting from your own native land. So in every view it was more to your interest to go on a voyage than it was to theirs, unless you had something to give you assurance. But now you pretend that you acted unwillingly, though you willingly put to death a large number of good Athenians. To show how all that I have recounted

ἅπαντα ἃ ἐγὼ λέγω, καὶ μάρτυρές εἰσι καὶ αὐτὸ τὸ ψήφισμά σου τὸ[1] τῆς βουλῆς καταμαρτυρήσει.

<ΜΑΡΤΥΡΕΣ>[2]. ΨΗΦΙΣΜΑ

29 Ἐπειδὴ τοίνυν τοῦτο τὸ ψήφισμα ἐψηφίσθη καὶ
ἦλθον οἱ ἐκ τῆς βουλῆς Μουνιχίαζε, ἑκὼν ἀνέστη
Ἀγόρατος ἀπὸ τοῦ βωμοῦ· καίτοι νῦν γε βίᾳ φησὶν
30 ἀφαιρεθῆναι. ἐπειδὴ δὲ εἰς τὴν βουλὴν ἐκομίσθησαν,
ἀπογράφει Ἀγόρατος πρῶτον μὲν τῶν
αὑτοῦ ἐγγυητῶν τὰ ὀνόματα, ἔπειτα τῶν στρατηγῶν
καὶ τῶν ταξιάρχων, ἔπειτα δὲ καὶ ἄλλων
τινῶν πολιτῶν. ἡ δὲ ἀρχὴ αὕτη τοῦ παντὸς κακοῦ
ἐγένετο. ὡς δὲ ἀπέγραψε τὰ ὀνόματα, οἶμαι μὲν
καὶ αὐτὸν ὁμολογήσειν· εἰ δὲ μή, ἐπ' αὐτοφώρῳ
ἐγὼ αὐτὸν ἐξελέγξω. ἀπόκριναι δή μοι.

ΕΡΩΤΗΣΙΣ

31 Ἐβούλοντο τοίνυν, ὦ ἄνδρες δικασταί, ἔτι
πλειόνων αὐτὸν[3] τὰ ὀνόματα ἀπογράψαι· οὕτω
ἔρρωτο ἡ βουλὴ κακόν τι ἐργάζεσθαι [αὐτὸν][4]
ὥστ' οὐκ ἐδόκει αὐτοῖς ἅπαντα τἀληθῆ πω
κατηγορηκέναι. τούτους μὲν οὖν ἅπαντας ἑκὼν
ἀπογράφει, οὐδεμιᾶς αὐτῷ ἀνάγκης οὔσης. [μετὰ
τοῦτο προσαπογράφει ἑτέρους τῶν πολιτῶν.][5]
32 ἐπειδὴ δὲ ἡ ἐκκλησία Μουνιχίασιν ἐν τῷ θεάτρῳ
ἐγίγνετο, οὕτω σφόδρα τινὲς ἐπεμελοῦντο ὅπως
καὶ ἐν τῷ δήμῳ περὶ τῶν στρατηγῶν καὶ τῶν ταξιάρχων
μήνυσις γένοιτο (περὶ δὲ τῶν ἄλλων ἀπέχρη
ἐν τῇ βουλῇ [μήνυσις][6] μόνῃ[7] γεγενημένη),
ὥστε καὶ ἐκεῖ παράγουσιν <αὐτὸν>[8] εἰς τὸν δῆμον.

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[1] σου τὸ Reiske: οὕτω, τοῦτο MSS.

was done by prearrangement I have witnesses; and the very decree of the Council will testify against you.

WITNESSES. DECREE

Now when this decree had been passed, and the councillors had arrived at Munichia, Agoratus of his own free will arose from the altar: yet he now says that he was taken away by force. When they were brought up before the Council, Agoratus deposed first the names of his sureties, then those of the generals and commanders, and then those of some other citizens. This was the beginning of the whole trouble. That he deposed the names, I think he himself will admit: failing that, I shall convict him as taken in the act. So answer me.

INTERROGATION

Now, they wanted him, gentlemen of the jury, to depose the names of yet more people; so firmly determined were the Council to work some mischief that they would not believe that he had yet given them the whole truth in his accusation. Well, he willingly deposed against all those men, with no compulsion upon him. When the Assembly met in the theatre at Munichia, some were so extremely anxious to have information laid before the people also in regard to the generals and commanders—as to the others, it was enough to have had it laid before the Council only—that they brought him up there also, before

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[2] μάρτυρες add. Markland.
[3] αὐτὸν Taylor: αὐτοὶ MSS. [4] αὐτὸν del. Gernet et Bizos.
[5] μετὰ . . . πολιτῶν del. Dobree.
[6] μήνυσις del. Bremi.
[7] μόνῃ Frohberger: μὲν ᾗ, ᾗ MSS. [8] αὐτὸν add. Gebauer.

καί μοι ἀπόκριναι, ὦ Ἀγόρατε· οὐ γὰρ οἶμαί σε ἔξαρνον γενήσεσθαι[1] ἃ ἐναντίον Ἀθηναίων ἁπάντων ἐποίησας.

ΕΡΩΤΗΣΙΣ

33 Ὁμολογεῖ μὲν καὶ αὐτός, ὅμως δὲ καὶ τὰ ψηφίσματα ὑμῖν τοῦ δήμου ἀναγνώσεται.

ΨΗΦΙΣΜΑΤΑ[2]

Ὅτι μὲν ἀπέγραψεν Ἀγόρατος οὑτοσὶ τῶν
ἀνδρῶν ἐκείνων τὰ ὀνόματα, καὶ τὰ ἐν τῇ βουλῇ
καὶ τὰ ἐν τῷ δήμῳ, καὶ ἔστι φονεὺς ἐκείνων,
σχεδόν τι οἶμαι ὑμᾶς ἐπίστασθαι· ὡς τοίνυν ἁπάν-
των τῶν κακῶν αἴτιος τῇ πόλει ἐγένετο καὶ οὐδ'
ὑφ' ἑνὸς αὐτὸν προσήκει ἐλεεῖσθαι, ἐγὼ οἶμαι
34 ὑμῖν ἐν κεφαλαίοις ἀποδείξειν. ἐπειδὴ γὰρ ἐκεῖνοι
[133] συλληφθέντες ἐδέθησαν, τότε καὶ ὁ Λύσανδρος εἰς
τοὺς λιμένας τοὺς ὑμετέρους εἰσέπλευσε, καὶ αἱ
νῆες αἱ ὑμέτεραι Λακεδαιμονίοις παρεδόθησαν, καὶ
τὰ τείχη κατεσκάφη, καὶ[3] οἱ τριάκοντα κατ-
έστησαν, καὶ τί οὐ τῶν δεινῶν[4] τῇ πόλει ἐγένετο;
35 ἐπειδὴ τοίνυν οἱ τριάκοντα κατεστάθησαν εὐθέως
κρίσιν τοῖς ἀνδράσι τούτοις ἐποίουν ἐν τῇ βουλῇ,
ὁ δὲ δῆμος "ἐν τῷ δικαστηρίῳ ἐν δισχιλίοις"
ἐψήφιστο.[5] καί μοι ἀνάγνωθι τὸ ψήφισμα.

ΨΗΦΙΣΜΑ

36 Εἰ μὲν οὖν ἐν τῷ δικαστηρίῳ ἐκρίνοντο, ῥᾳδίως ἂν ἐσῴζοντο· ἅπαντες γὰρ ἤδη ἐγνωκότες ἦτε οὗ

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[1] γενήσεσθαι Markland: γενέσθαι MSS.

[2] ψηφίσματα Reiske.

[3] κατεσκάφη καὶ Reiske: κατεσκάφησαν MSS.

[4] τί οὐ τῶν δεινῶν Sauppe: τοιοῦτον δεινὸν MSS.

[5] ἐψήφιστο Naber: ἐψηφίσατο MSS.

the people. Now answer me, Agoratus: you will not, I suppose, deny what you did in the presence of all the Athenians.

INTERROGATION

He admits it himself; but however, the decrees of the people shall be read to you.

DECREES

That this man Agoratus deposed the names of those men, both before the Council and before the people, and that he is their murderer, I believe you understand well enough. My further point, that he was the author of all the city's troubles, and does not deserve to be pitied by anybody, I think I can make plain to you in summary fashion. For it was just when those persons had been arrested and imprisoned that Lysander sailed into your harbours, that your ships were surrendered to the Lacedaemonians, that the walls were demolished, that the Thirty were established, and that every conceivable misery befell the city. And then, as soon as the Thirty were established, they promptly brought these men to trial before the Council; whereas the people had decreed that it should be "before the court of two thousand."[a] Please read the decree.

DECREE

Now if they had been tried before the proper court, they would have easily escaped harm; for by that time you were all apprised of the evil plight of

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[a] Composed of four of the twelve panels, each consisting of 500 jurors, which were appointed for the formation of the ordinary courts each year. A court of so large a size was only formed for cases of special importance.

ἦν κακοῦ ἡ πόλις, ἐν ᾧ οὐδὲν ἔτι ὠφελεῖν ἐδύνασθε·
νῦν δ' εἰς τὴν βουλὴν αὐτοὺς τὴν ἐπὶ τῶν τριάκοντα
εἰσάγουσιν. ἡ δὲ κρίσις τοιαύτη ἐγίγνετο, οἵαν καὶ
37 ὑμεῖς αὐτοὶ ἐπίστασθε. οἱ μὲν γὰρ τριάκοντα ἐκάθηντο
ἐπὶ τῶν βάθρων, οὗ νῦν οἱ πρυτάνεις καθέζονται·
δύο δὲ τράπεζαι ἐν τῷ πρόσθεν τῶν τριάκοντα
ἐκείσθην· τὴν δὲ ψῆφον οὐκ εἰς καδίσκους
ἀλλὰ φανερὰν ἐπὶ τὰς τραπέζας ταύτας ἔδει τίθεσθαι,
τὴν μὲν καθαιροῦσαν ἐπὶ τὴν ὑστέραν . . . ,
ὥστε ἐκ τίνος τρόπου ἔμελλέ τις αὐτῶν σωθήσεσθαι;
38 ἑνὶ δὲ λόγῳ, ὅσοι εἰς τὸ βουλευτήριον [ἐπὶ τῶν
τριάκοντα][1] εἰσῆλθον κριθησόμενοι, ἁπάντων θάνατος
κατεγιγνώσκετο καὶ οὐδενὸς ἀπεψηφίσαντο,
πλὴν Ἀγοράτου τουτουί· τοῦτον δὲ ἀφεῖσαν ὡς
εὐεργέτην ὄντα· ἵνα δὲ εἰδῆτε ὡς πολλοὶ ὑπὸ τούτου
τεθνᾶσι, βούλομαι ὑμῖν τὰ ὀνόματα αὐτῶν
ἀναγνῶναι.

ΟΝΟΜΑΤΑ

39 Ἐπειδὴ τοίνυν, ὦ ἄνδρες δικασταί, θάνατος
αὐτῶν κατεγνώσθη καὶ ἔδει αὐτοὺς ἀποθνῄσκειν,
μεταπέμπονται εἰς τὸ δεσμωτήριον ὁ μὲν ἀδελφήν,
ὁ δὲ μητέρα, ὁ δὲ γυναῖκα, ὁ δ' ἥ τις ἦν ἑκάστῳ
αὐτῶν προσήκουσα, ἵνα τὰ ὕστατα ἀσπασάμενοι
40 τοὺς αὑτῶν οὕτω τὸν βίον τελευτήσειαν. καὶ δὴ
καὶ Διονυσόδωρος μεταπέμπεται τὴν ἀδελφὴν τὴν
ἐμὴν εἰς τὸ δεσμωτήριον, γυναῖκα ἑαυτοῦ οὖσαν.
πυθομένη δ' ἐκείνη ἀφικνεῖται, μέλαν τε ἱμάτιον
41 ἠμφιεσμένη . . . , ὡς εἰκὸς ἦν ἐπὶ τῷ ἀνδρὶ
αὐτῆς τοιαύτῃ συμφορᾷ κεχρημένῳ. ἐναντίον δὲ
τῆς ἀδελφῆς τῆς ἐμῆς Διονυσόδωρος τά τε οἰκεῖα

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[1] ἐπὶ τῶν τριάκοντα del. Sauppe.

the city, though you were unable at that stage to be of further service to her. But as it was, they were brought before the Council which sat under the Thirty.[a] And the trial was conducted in a manner that you yourselves well know: the Thirty were seated on the benches which are now the seats of the presiding magistrates; two tables were set before the Thirty, and the vote had to be deposited, not in urns, but openly on these tables,—the condemning vote on the further one[b] . . .—so what possible chance of escape had any of them? In a word, all those who had entered that Council chamber for their trial were condemned to death: not one was acquitted, except this man Agoratus; him they let off, as being a "benefactor." And in order that you may know of the large number done to death by this man, I propose to read you their names.

NAMES

Now, when sentence of death, gentlemen, had been passed on them, and they had to die, each of them sent for his sister, or his mother, or his wife, or any female relative that he had, to see them in the prison, in order that they might take the last farewell of their people before they should end their days. In particular, Dionysodorus sent for my sister—she was his wife—to see him in the prison. On receiving the message she came, dressed in a black cloak[c] . . . as was natural in view of the sad fate that had befallen her husband. In the presence of my sister, Diony-

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[a] *Cf.* above, § 20.

[b] *i.e.*, nearest to the Thirty. The text here has a short gap.

[c] Some words describing another sign of mourning seem to be missing here.

τὰ αὑτοῦ διέθετο ὅπως αὐτῷ ἐδόκει, καὶ περὶ
Ἀγοράτου τουτουὶ ἔλεγεν ὅτι <οἱ>[1] αἴτιος ἦν
τοῦ θανάτου, καὶ ἐπέσκηπτεν ἐμοὶ καὶ Διονυσίῳ
42 τουτῳί, τῷ ἀδελφῷ τῷ αὑτοῦ, καὶ τοῖς φίλοις πᾶσι
τιμωρεῖν ὑπὲρ αὑτοῦ Ἀγόρατον· καὶ τῇ γυναικὶ
τῇ αὑτοῦ ἐπέσκηπτε, νομίζων αὐτὴν κυεῖν ἐξ
αὑτοῦ, ἐὰν γένηται αὐτῇ παιδίον, φράζειν τῷ
γενομένῳ ὅτι τὸν πατέρα αὐτοῦ Ἀγόρατος ἀπέκτεινε,
καὶ κελεύειν τιμωρεῖν ὑπὲρ αὑτοῦ ὡς φονέα
ὄντα. ὡς οὖν ἀληθῆ λέγω, μάρτυρας τούτων
παρέξομαι.

43 ΜΑΡΤΥΡΕΣ

Οὗτοι μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, ὑπ' Ἀγοράτου
ἀπογραφέντες ἀπέθανον· ἐπειδὴ[2] δὲ τούτους
ἐκποδὼν ἐποιήσαντο οἱ τριάκοντα, σχεδὸν οἶμαι
ὑμᾶς ἐπίστασθαι ὡς πολλὰ καὶ δεινὰ μετὰ ταῦτα
τῇ πόλει ἐγένετο· ὧν οὗτος ἁπάντων αἴτιός ἐστιν
ἀποκτείνας ἐκείνους. ἀνιῶμαι μὲν οὖν ὑπομιμνῄσκων
44 τὰς γεγενημένας συμφορὰς τῇ πόλει,
ἀνάγκη δ' ἐστίν, ὦ ἄνδρες δικασταί, ἐν τῷ παρόντι
καιρῷ, ἵν' εἰδῆτε ὡς σφόδρα ὑμῖν ἐλεεῖν προσήκει
Ἀγόρατον. ἴστε μὲν γὰρ τοὺς ἐκ Σαλαμῖνος τῶν
πολιτῶν κομισθέντας, οἷοι ἦσαν καὶ ὅσοι, καὶ
οἵῳ ὀλέθρῳ ὑπὸ τῶν τριάκοντα ἀπώλοντο· ἴστε
δὲ τοὺς ἐξ Ἐλευσῖνος, ὡς πολλοὶ ταύτῃ τῇ συμφορᾷ
ἐχρήσαντο· μέμνησθε δὲ καὶ τοὺς ἐνθάδε διὰ
45 τὰς ἰδίας ἔχθρας ἀπαγομένους εἰς τὸ δεσμωτήριον·
οἳ οὐδὲν κακὸν τὴν πόλιν ποιήσαντες ἠναγκάζοντο
αἰσχίστῳ καὶ ἀκλεεστάτῳ ὀλέθρῳ ἀπόλλυσθαι,
οἱ μὲν γονέας [σφετέρους αὑτῶν][3] πρεσβύτας

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[1] οἱ add. Westermann.

[2] ἐπειδὴ Fuhr: ἐπεὶ mss.

[3] σφετέρους αὑτῶν del. Dobree.

sodorus, after disposing of his personal property as he thought fit, referred to this man Agoratus as responsible for his death, and charged me and Dionysius his brother here, and all his friends to execute his vengeance upon Agoratus; and he charged his wife, believing her to be with child by him, that if she should bear a son she should tell the child that Agoratus had taken his father's life, and should bid him execute his father's vengeance on the man for his murder. To show the truth of what I state, I will produce witnesses to these facts.

WITNESSES

So then these persons, men of Athens, lost their lives through the depositions of Agoratus. But after the Thirty had cleared them out of their way, you know well enough, I imagine, what a multitude of miseries next befell the city; and for all of them this man, by taking those people's lives, was responsible. It gives me pain, indeed, to recall the calamities that have befallen the city, but it is a necessity, gentlemen of the jury, at the present moment, so that you may know how richly Agoratus deserves your pity! For you know the character and number of the citizens who were brought away from Salamis,[a] and the way in which they were destroyed by the Thirty. You know what a great number of the people of Eleusis shared that calamity. You remember also our people here who were haled to prison on account of private enmities; and who, having done no harm to the city, were compelled to perish by the most shameful, the most infamous, of deaths. Some left elderly parents behind them, who were

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[a] *Cf.* XII. 52.

καταλιπόντες, οἳ ἤλπιζον ὑπὸ τῶν σφετέρων αὐτῶν
[134] παίδων γηροτροφηθέντες, ἐπειδὴ τελευτήσειαν τὸν
βίον, ταφήσεσθαι, οἱ δὲ ἀδελφὰς ἀνεκδότους, οἱ
46 δὲ παῖδας μικροὺς πολλῆς ἔτι θεραπείας δεομένους·
οὕς, ὦ ἄνδρες δικασταί, ποίαν τινὰ οἴεσθε γνώμην
περὶ τούτου ἔχειν, ἢ ποίαν τινὰ ἂν ψῆφον θέσθαι,
εἰ ἐπ' ἐκείνοις γένοιτο, ἀποστερηθέντας διὰ τοῦτον
τῶν ἡδίστων; ἔτι δὲ τὰ τείχη ὡς κατεσκάφη
καὶ αἱ νῆες τοῖς πολεμίοις παρεδόθησαν καὶ ⟨τὰ⟩[1]
νεώρια καθῃρέθη καὶ Λακεδαιμόνιοι τὴν ἀκρόπολιν
ἡμῶν εἶχον καὶ ἡ δύναμις ἅπασα τῆς πόλεως
47 παρελύθη, ὥστε μηδὲν διαφέρειν τῆς ἐλαχίστης
πόλεως τὴν πόλιν. πρὸς δὲ τούτοις τὰς ἰδίας
⟨οὐσίας⟩[2] ἀπωλέσατε, καὶ τὸ τελευταῖον συλλήβδην
ἅπαντες ὑπὸ τῶν τριάκοντα ἐκ τῆς πατρίδος
ἐξηλάθητε. ταῦτα ἐκεῖνοι οἱ ἀγαθοὶ ἄνδρες αἰσθόμενοι
48 οὐκ ἔφασαν ἐπιτρέψειν[3] τὴν εἰρήνην, ὦ
ἄνδρες δικασταί, ποιήσασθαι· οὓς σύ, Ἀγόρατε,
βουλομένους ἀγαθόν τι πρᾶξαι τῇ πόλει ἀπέκτεινας,
μηνύσας αὐτοὺς [τῇ πόλει][4] ἐπιβουλεύειν τῷ πλήθει
τῷ ὑμετέρῳ, καὶ αἴτιος εἶ ἁπάντων τῇ πόλει τῶν
κακῶν τῶν γεγενημένων. νῦν οὖν μνησθέντες καὶ
τῶν ἰδίων ἕκαστος δυστυχημάτων καὶ τῶν κοινῶν
49 τῆς πόλεως τιμωρεῖσθε τὸν αἴτιον τούτων.

Θαυμάζω δ' ἔγωγε, ὦ ἄνδρες δικασταί, ὅ τι
ποτε τολμήσει πρὸς ὑμᾶς ἀπολογεῖσθαι· δεῖ γὰρ
αὐτὸν ἀποδεῖξαι ὡς οὐ κατεμήνυσε τῶν ἀνδρῶν
τούτων οὐδ' αἴτιος αὐτοῖς ἐστι τοῦ θανάτου, ὃ οὐκ
50 ἂν δύναιτο οὐδέποτε ἀποδεῖξαι. πρῶτον μὲν γὰρ

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[1] τὰ add. Reiske.
[2] οὐσίας Aldus.
[3] ἐπιτρέψειν Dobree: ἐπιτρέψαι MSS.

expecting to be supported in their old age by their own children and, when they should end their days, to be laid by them in the grave; others left sisters unwedded, and others little children who still required much tendance. What sort of feelings, gentlemen, do you think are theirs towards this man, or what kind of vote would they give, if it rested with them, when by his act they have been deprived of their best comforts? You recollect, again, how the walls were demolished, the ships surrendered to the enemy, the arsenals destroyed, our Acropolis occupied by the Lacedaemonians, and the whole strength of the city crippled, so that our city was sunk to a level with the smallest in the world! And besides all this, you lost your private possessions and finally, at one swoop, you were all expelled by the Thirty from your native land. Impressed with these perils, those loyal citizens, gentlemen, refused their assent to the conditions of peace, and you, Agoratus, because they sought to do the State some service, brought about their death by laying information that they were intriguing against our democracy; and you are responsible for all the troubles that have befallen the city. So now let each of you remember the misfortunes caused both to individuals and to the common weal of the city, and take vengeance on their author.

I am wondering myself, gentlemen, what he will be bold enough to say to you in his defence. For he must show that he did not lay information against these men, and so is not responsible for their death; but this he could never contrive to show. In the

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[4] τῇ πόλει del. Jacobs.

τὰ ψηφίσματα αὐτοῦ τὰ ἐκ τῆς βουλῆς καὶ ‹τὸ›[1] τοῦ δήμου καταμαρτυρεῖ, διαρρήδην ἀγορεύοντα "περὶ ὧν Ἀγόρατος κατείρηκεν." ἔπειτα ἡ κρίσις, ἣν ἐκρίθη ἐπὶ τῶν τριάκοντα καὶ ἀφείθη, διαρρήδην λέγει, "διότι" φησίν "ἔδοξε τἀληθῆ εἰσαγγεῖλαι." καί μοι ἀνάγνωθι.

ΨΗΦΙΣΜΑΤΑ. ΓΝΩΣΙΣ. [ΓΡΑΦΑΙ][2]

51 Ὡς μὲν οὖν οὐκ ἀπέγραψεν, οὐδενὶ τρόπῳ δύναιτ' ἂν ἀποδεῖξαι· δεῖ τοίνυν αὐτὸν ὡς δικαίως ἐμήνυσε ταῦτα ἀποφαίνειν, ὁρῶν αὐτοὺς πονηρὰ καὶ οὐκ ἐπιτήδεια τῷ δήμῳ τῷ ὑμετέρῳ πράττοντας. οἴομαι δ' οὐδ' ἂν τοῦτο αὐτὸν ἐπιχειρῆσαι ἀποδεικνύναι. οὐ γὰρ δήπου, εἴ τι κακὸν τὸν δῆμον τὸν Ἀθηναίων εἰργάσαντο, οἱ τριάκοντα, δεδιότες μὴ καταλυθείη ἂν[3] ὁ δῆμος, τιμωροῦντες ὑπὲρ τοῦ δήμου ἂν αὐτοὺς ἀπέκτειναν, ἀλλ' οἶμαι πολὺ τοὐναντίον τούτου.

52 Ἀλλ' ἴσως φήσει ἄκων τοσαῦτα κακὰ ἐργάσασθαι.
ἐγὼ δ' οὐκ οἶμαι, ὦ ἄνδρες δικασταί, οὐδ' ἐάν τις
ὑμᾶς ὡς μάλιστα ἄκων μεγάλα κακὰ ἐργάσηται,
ὧν μὴ οἷόν τε γενέσθαι ἐστὶν ὑπερβολήν, οὐ τούτου
ἕνεκα οὐ δεῖν ὑμᾶς ἀμύνεσθαι. εἶτα δὲ καὶ ἐκείνων
μέμνησθε, ὅτι ἐξῆν Ἀγοράτῳ τουτῳί, πρὶν εἰς τὴν
βουλὴν κομισθῆναι, ὅτ' ἐπὶ τοῦ βωμοῦ ἐκάθητο
Μουνιχίασι, σωθῆναι· καὶ γὰρ πλοῖα παρεσκεύαστο
53 καὶ ‹οἱ›[4] ἐγγυηταὶ ἕτοιμοι ἦσαν συναπιέναι.
καίτοι εἰ ἐκείνοις ἐπίθου[5] καὶ ἠθέλησας ἐκπλεῦσαι

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[1] τὸ add. Cobet.
[2] γραφαὶ del. Westermann.
[3] καταλυθείη ἂν Markland: καταλυθείησαν MSS.
[4] οἱ add. Markland.
[5] ἐπίθου Cobet: ἐπείθου MSS.

first place, we have as witnesses against him the decrees issued by the Council, and that of the people, stating expressly—"in regard to those whom Agoratus has denounced." In the second place, the judgement passed on him when he was acquitted under the Thirty says expressly—"inasmuch as his report has been approved as true." Read them, please.

DECREES. DECISION

Well then, that he did not make the deposition, he can find no means of showing; he must therefore prove that he was justified in giving that information, because he saw them criminally working against the interest of your people. But he will not attempt to show this either, I believe. For, I presume, if it had been the people of Athens on whom they had inflicted some injury, the Thirty would never, in fear of the people's rule being subverted, have put them to death to vindicate the cause of the people; no, I conceive they would have done very much the opposite.

But perhaps he will say that he committed all these wrongful acts against his will. My own opinion, gentlemen, is that, however much against his will a man may have done you a wrong so great that it cannot be exceeded, this is no reason why you should not protect yourselves. And then, there are some further facts that you must remember: it was open to this man Agoratus, before he was brought up at the Council, and while he was seated at the altar in Munichia, to escape in safety; for vessels had been provided, and his sureties were ready to depart with him. And indeed, sir, had you taken their advice

μετ᾿ ἐκείνων, οὔτ᾿ ἂν ἑκὼν οὔτε ἄκων τοσούτους Ἀθηναίων ἀπέκτεινας· νῦν δὲ πεισθεὶς ὑφ᾿ ὧν τότε ἐπείσθης, εἰ τῶν στρατηγῶν καὶ τῶν ταξιάρχων τὰ ὀνόματα μόνον εἴποις, μέγα τι ᾤου παρ᾿ αὐτῶν διαπράξεσθαι. οὔκουν τούτου ἕνεκα δεῖ σε παρ᾿ ἡμῶν συγγνώμης τινὸς τυχεῖν, ἐπεὶ οὐδὲ ἐκεῖνοι παρὰ σοῦ οὐδεμιᾶς ἔτυχον, οὓς σὺ ἀπέκτεινας.

54 καὶ Ἱππίας μὲν ὁ Θάσιος καὶ Ξενοφῶν ὁ Κουριεύς, οἳ ἐπὶ τῇ αὐτῇ αἰτίᾳ τούτῳ ὑπὸ τῆς βουλῆς μετεπέμφθησαν, οὗτοι μὲν ἀπέθανον, ὁ μὲν στρεβλωθείς, Ξενοφῶν, ὁ δὲ Ἱππίας οὕτω . . . , διότι οὐκ ἄξιοι ἐδόκουν τοῖς τριάκοντα σωτηρίας εἶναι (οὐδένα γὰρ Ἀθηναίων ἀπώλλυσαν)· Ἀγόρατος δὲ ἀφείθη, διότι ἐδόκει ἐκείνοις τὰ ἥδιστα πεποιηκέναι.

55 Ἀκούω δ᾿ αὐτὸν καὶ εἰς Μενέστρατον ἀναφέρειν τι περὶ τῶν ἀπογραφῶν[1] τούτων. τὸ δὲ τοῦ Μενεστράτου πρᾶγμα τοιοῦτον ἐγένετο. ὁ Μενέστρατος [135] οὗτος ἀπεγράφη ὑπὸ τοῦ Ἀγοράτου καὶ συλληφθεὶς ἐδέδετο· Ἁγνόδωρος δ᾿ ἦν Ἀμφιτροπαιεύς, δημότης τοῦ Μενεστράτου, Κριτίου κηδεστὴς τοῦ τῶν τριάκοντα. οὗτος οὖν, ὅτε ἡ ἐκκλησία Μουνιχίασιν ἐν τῷ θεάτρῳ ἐγίγνετο, ἅμα μὲν βουλόμενος τὸν Μενέστρατον σωθῆναι, ἅμα δὲ ὡς πλείστους ἀπογραφέντας ἀπολέσθαι, παράγει αὐτὸν εἰς τὸν δῆμον, καὶ εὑρίσκονται[2] αὐτῷ κατὰ τὸ ψήφισμα τουτὶ ἄδειαν.

[1] ἀπογραφῶν Auger: γραφῶν MSS.
[2] εὑρίσκονται Reiske: εὑρίσκων τε MSS.

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[a] In the south of Cyprus.
[b] A short gap is left in the text.

and consented to sail away with your friends, neither willingly nor unwillingly would you have taken the lives of so many Athenians. But the fact is that, seduced by certain persons who then made it worth your while, you had only to mention the names of the generals and commanders, and you could count on obtaining a handsome reward from them. So I see no reason there for your receiving any indulgence from us, since those men received none either from you, when you took their lives. And Hippias of Thasos, and Xenophon of Curium,[a] who were summoned by the Council on the same charge as this man, were put to death,—the one, Xenophon, after suffering on the rack, the other, Hippias, in the manner . . .[b] ; because in the eyes of the Thirty they did not deserve to be saved,—they had not destroyed one Athenian ! But Agoratus was let off, because in their eyes he had done what was most agreeable to them.

I am told that he attributes these depositions in part to Menestratus. But the affair of Menestratus was like this : Menestratus was informed against by Agoratus, and was arrested and put in prison. Hagnodorus of Amphitrope,[c] a fellow-townsman of Menestratus, was a kinsman of Critias, one of the Thirty. Well, when the Assembly was being held in the theatre at Munichia, this man, with the double aim of saving the life of Menestratus and of causing, by means of depositions, the destruction of as many people as possible, brought him before the people, when they contrived to give him impunity under the following decree.

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[c] A township or district in the south of Attica, containing some of the silver mines.

ΨΗΦΙΣΜΑ

56 Ἐπειδὴ δὲ τοῦτο τὸ ψήφισμα ἐγένετο, μηνύει ὁ
Μενέστρατος καὶ προσαπογράφει ἑτέρους τῶν
πολιτῶν. τοῦτον μέντοι οἱ μὲν τριάκοντα ἀφεῖσαν
ὥσπερ Ἀγόρατον τουτονί, δόξαντα τἀληθῆ εἰσ-
αγγεῖλαι, ὑμεῖς δὲ πολλῷ χρόνῳ ὕστερον λαβόντες
ἐν δικαστηρίῳ ὡς ἀνδροφόνον ὄντα, θάνατον δι-
καίως καταψηφισάμενοι τῷ δημίῳ[1] παρέδοτε καὶ
57 ἀπετυμπανίσθη. καίτοι εἰ ἐκεῖνος ἀπέθανεν, ἦ
που Ἀγόρατός γε δικαίως ἀποθανεῖται, ὅς γε[2] τόν
τε Μενέστρατον ἀπογράψας αἴτιος ἐκείνῳ ἐστὶ
τοῦ θανάτου, καὶ τοῖς ὑπὸ Μενεστράτου ἀπογρα-
φεῖσι τίς αἰτιώτερος ἢ ὁ εἰς τοιαύτην ἀνάγκην
ἐκεῖνον καταστήσας;
58 Ἀνόμοιος δέ μοι δοκεῖ Ἀριστοφάνει γενέσθαι
τῷ Χολλῄδῃ, ὃς ἐγγυητὴς τότε τούτου ἐγένετο καὶ
τὰ πλοῖα παρασκευάσας Μουνιχίασιν ἕτοιμος ἦν
συνεκπλεῖν μετὰ τούτου. καὶ τό γε ἐπ' ἐκεῖνον
εἶναι ἐσώθης, καὶ οὔτ' ἂν Ἀθηναίων οὐδένα
ἀπώλεσας οὔτ' ἂν αὐτὸς σὺ εἰς τοιούτους κινδύνους
59 κατέστης· νῦν δὲ καὶ τὸν σωτῆρα τὸν σαυτοῦ
ἐτόλμησας ἀπογράψαι, καὶ ἀπογράψας <ἀπέκτεινας>[3]
καὶ ἐκεῖνον καὶ τοὺς ἄλλους ἐγγυητάς. τοῦτον μέν-
τοι ὡς οὐ καθαρῶς[4] Ἀθηναῖον ὄντα ἐβούλοντό τινες
βασανισθῆναι, καὶ τουτὶ τὸ ψήφισμα τὸν δῆμον
ἀναπείθουσι ψηφίζεσθαι.

[1] δημίῳ Schott: δήμῳ MSS.
[2] ὅς γε Toup: ὥστε MSS.
[3] ἀπέκτεινας add. Jacobs.
[4] καθαρῶς Taylor: καλῶς MSS.

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[a] This mode of execution, formerly understood to be "cudgelling to death," seems to have been something similar to crucifixion. See Gernet et Bizos, *ad loc.*

Decree

As soon as this decree had been passed, Menestratus turned informer, and added some more names of citizens to those already deposed. The Thirty, of course, let him off as they did Agoratus here, accepting his report as true: but you long afterwards had him before you in court as an actual murderer, and justly condemned him to death; you handed him over to the executioner, and he suffered death on the plank.[a] Yet, if that man was put to death, surely Agoratus will be put to death with justice; for since he deposed against Menestratus he is responsible for his death, while, as to those who were deposed against by Menestratus, who is more responsible than the man who placed him under the necessity of such a step?

And his behaviour was, I consider, quite unlike that of Aristophanes of Cholleis,[b] who went surety for him at that time, provided the vessels at Munichia, and was ready to accompany him on the voyage. Thus, so far as it lay with him, you were saved, and then you would neither have destroyed any Athenian nor have brought your own self into such serious dangers. But no: you not only had the face to depose against your own deliverer, but by making your deposition you sent both him and your other sureties to their death. Some, indeed, desired that Aristophanes should be put to the torture, as one who was not of pure Athenian stock, and they prevailed on the people to pass the following decree.

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[b] A district on the south side of Mt. Hymettus. The point in what follows is that even his surety Aristophanes, when faced with death as a result of Agoratus's treachery, refused to save himself by denouncing good citizens.

ΨΗΦΙΣΜΑ

60 Μετὰ τοῦτο τοίνυν προσιόντες τῷ Ἀριστοφάνει
οἱ πράττοντες τότε τὰ πράγματα ἐδέοντο αὐτοῦ
κατειπεῖν καὶ σῴζεσθαι, καὶ μὴ κινδυνεύειν ἀγωνισάμενον
τῆς ξενίας τὰ ἔσχατα παθεῖν. ὁ δὲ οὐκ
ἔφη οὐδέποτε· οὕτω χρηστὸς ἦν καὶ περὶ τοὺς
δεδεμένους καὶ περὶ τὸν δῆμον τὸν Ἀθηναίων,
ὥστε εἵλετο μᾶλλον ἀποθανεῖν ἢ κατειπεῖν καὶ
61 ἀδίκως τινὰς ἀπολέσαι. ἐκεῖνος μὲν τοίνυν καὶ
ὑπὸ σοῦ ἀπολλύμενος τοιουτοσὶ ἐγένετο [καὶ
Ξενοφῶν ὁ στρεβλωθεὶς καὶ Ἱππίας ὁ Θάσιος][1]·
σὺ δ' οὐδὲν τοῖς ἀνδράσιν ἐκείνοις συνειδώς,
πεισθεὶς δὲ ὡς σύ γε, ἐὰν ἐκεῖνοι ἀπόλωνται,
μεθέξεις τῆς τότε[2] πολιτείας καθισταμένης, ἀπέγραψας[3]
καὶ ἀπέκτεινας Ἀθηναίων πολλοὺς καὶ
ἀγαθούς.

62 Βούλομαι δ' ὑμῖν, ὦ ἄνδρες δικασταί, ἐπιδεῖξαι
οἵων ἀνδρῶν ὑπ' Ἀγοράτου ἀπεστέρησθε. εἰ μὲν
οὖν οὐ πολλοὶ ἦσαν, καθ' ἕκαστον ἂν περὶ αὐτῶν
ἠκούετε, νῦν δὲ συλλήβδην περὶ πάντων. οἱ μὲν
γὰρ στρατηγήσαντες ὑμῖν πολλάκις μείζω τὴν
πόλιν τοῖς διαδεχομένοις στρατηγοῖς παρεδίδοσαν·
63 οἱ δ' ἑτέρας μεγάλας ἀρχὰς ἄρξαντες καὶ τριηραρχίας
πολλὰς τριηραρχήσαντες οὐδεπώποτε ὑφ'
ὑμῶν οὐδεμίαν αἰτίαν αἰσχρὰν ἔσχον. οἱ δ' αὐτῶν
περιγενόμενοι καὶ σωθέντες, οὓς οὗτος μὲν ἀπέκτεινεν
ὁμοίως[4] καὶ θάνατος αὐτῶν κατεγνώσθη,
ἡ δὲ τύχη καὶ ὁ δαίμων περιεποίησε, φυγόντες
[γὰρ][5] ἐνθένδε καὶ οὐ συλληφθέντες οὐδὲ ὑπο-

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[1] καὶ . . . Θάσιος del. Dobree.

[2] τότε Markland: τε MSS.

[3] ἀπέγραψας Fuhr: ἀπεγράφης MSS.

[4] ὁμοίως Lipsius: ὠμῶς MSS.

[5] γὰρ del. Reiske.

Decree

Well, after that the persons who then had control of affairs came to Aristophanes and appealed to him to save himself by a denunciation, and not to run the risk of the extreme penalty by standing his trial on the count of alien birth. But he said—" Never ! " Such was his loyalty both to the men who had been imprisoned and to the Athenian people that he chose to suffer death rather than denounce and destroy anyone unjustly. So this was the character shown by that man, even when you were bringing him to destruction ; and you, when you knew nothing against those persons, but had been seduced with the promise to you of a share in the government then being established if they should be destroyed, made your deposition and sent to their death a large number of good Athenians.

But I wish now, gentlemen of the jury, to represent to you the character of the men of whom Agoratus has bereft you. Had they been merely a few, one might mention them to you separately ; but, as it is, I must cover them all in one brief account. Some had served you several times as generals, and then had handed on the city with added greatness to their successors in authority ; some had held other high offices, and had borne the expense of many naval equipments : never before had they met with any disgraceful censure from you. Some of them survived, by having got away in safety ; though this man sent them to their death none the less, and they were condemned to die : but fortune and providence delivered them. They fled the city, instead of being arrested and awaiting their trial ;

μείναντες τὴν κρίσιν, κατελθόντες ἀπὸ Φυλῆς τιμῶνται ὑφ’ ὑμῶν ὡς ἄνδρες ἀγαθοὶ ὄντες.

64 Τούτους μέντοι τοιούτους ὄντας Ἀγόρατος τοὺς μὲν ἀπέκτεινε, τοὺς δὲ φυγάδας ἐντεῦθεν ἐποίησε, τίς ὢν αὐτός; δεῖ γὰρ ὑμᾶς εἰδέναι ὅτι δοῦλος καὶ ἐκ δούλων ἐστίν, ἵν’ εἰδῆτε οἷος ὢν ὑμᾶς ἐλυμαίνετο. τούτῳι μὲν γὰρ πατὴρ ἦν Εὐμάρης, ἐγένετο δὲ ὁ Εὐμάρης οὗτος Νικοκλέους καὶ Ἀντικλέους. καί μοι ἀνάβητε μάρτυρες.

ΜΑΡΤΥΡΕΣ

65 [67] Ἦσαν τοίνυν οὗτοι, ὦ ἄνδρες δικασταί, τέτταρες
ἀδελφοί. τούτων εἷς μὲν ὁ πρεσβύτατος[1] ἐν Σικε-
λίᾳ παραφρυκτωρευόμενος τοῖς πολεμίοις ληφθεὶς
ὑπὸ Λαμάχου ἀπετυμπανίσθη· ὁ δὲ ἕτερος εἰς
Κόρινθον μὲν ἐντευθενὶ ἀνδράποδον ἐξήγαγεν, ἐκεῖ-
θεν δὲ παιδίσκην ἀστῆς ἐξάγων ἁλίσκεται, καὶ
ἐν τῷ δεσμωτηρίῳ δεδεμένος ἀπέθανε· τὸν δὲ
66 [68] τρίτον Φαινιππίδης ἐνθάδε[2] λωποδύτην ἀπήγαγε,
καὶ ὑμεῖς κρίναντες αὐτὸν ἐν τῷ δικαστηρίῳ καὶ
καταγνόντες αὐτοῦ θάνατον ἀποτυμπανίσαι παρέδοτε.
ὡς δὲ ἀληθῆ λέγω, καὶ αὐτὸν οἶμαι ὁμολογήσειν
τοῦτον καὶ μάρτυρας παρεξόμεθα.

ΜΑΡΤΥΡΕΣ

67 [65] Τἆλλα[3] τοίνυν, ὦ ἄνδρες δικασταί, ὅσα κακὰ καὶ αἰσχρὰ καὶ τούτῳ καὶ τοῖς τούτου ἀδελφοῖς ἐπιτετήδευται, πολὺ ἂν εἴη ἔργον λέγειν. περὶ δὲ

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[1] πρεσβύτατος Bake: πρεσβύτερος MSS.

[2] ἐνθάδε Markland: ἐνθένδε MSS.

[3] τἆλλα Dobree: πολλὰ MSS. (§§ 65-66 transpos. Heldmann al. post § 68).

they have returned from the exile of Phyle, and are honoured by you as worthy men.

Such, you see, was the character of these men whom Agoratus either did to death or sent into exile from the city. And who, then, is he? You must know that he is a slave born and bred, so that you may know what manner of man it was that grossly maltreated you. For the defendant's father was Eumares, and this Eumares was the property of Nicocles and Anticles. Come forward, please, witnesses.

Witnesses[a]

Now Agoratus, gentlemen, had three brothers. One of them, the eldest, was caught in Sicily making traitorous signals to the enemy, and by Lamachus's order he was executed on the plank. The second abducted a slave from our city to Corinth, and was taken in the act of abducting a girl from a household there: he was cast into prison and put to death. The third was arrested here by Phaenippides as a clothes-stealer, and you tried him in your court: you condemned him to death, and consigned him to execution on the plank. The truth of my statements will, I think, be admitted even by this man himself, and we shall produce witnesses to support them.

Witnesses

Now, to tell of all the other injuries and infamies, gentlemen, which have been the practice of this man and his brothers would be a lengthy task. As to his

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[a] §§ 67 and 68 are here placed before §§ 65 and 66, as suggested by some editors.

συκοφαντίας, ὅσας οὗτος ἢ δίκας ἰδίας συκο-
φαντῶν ἐδικάζετο ἢ γραφὰς ὅσας ἐγράφετο ἢ
ἀπογραφὰς ἀπέγραφεν, οὐδέν με δεῖ καθ᾿ ἕκαστον
λέγειν· συλλήβδην γὰρ ὑμεῖς ἅπαντες καὶ ἐν τῷ
[136] δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας αὐτοῦ
68 [66] κατέγνωτε καὶ ὦφλεν[1] ὑμῖν μυρίας δραχμάς, ὥστε
τοῦτο μὲν ἱκανῶς[2] ὑπὸ ὑμῶν ἁπάντων μεμαρ-
τύρηται. γυναῖκας τοίνυν τῶν πολιτῶν τοιοῦτος
ὢν μοιχεύειν καὶ διαφθείρειν ἐλευθέρας ἐπεχείρησε,
καὶ ἐλήφθη μοιχός· καὶ τούτου θάνατος ἡ ζημία
ἐστίν. ὡς δὲ ἀληθῆ λέγω, μάρτυρας κάλει.

ΜΑΡΤΥΡΕΣ

69 Πῶς οὖν οὐχ ἅπασι προσήκει ὑμῖν τούτου καταψηφίζεσθαι; εἰ γὰρ τούτων ἕκαστος δι᾿ ἓν ἁμάρτημα θανάτου ἠξιώθη, ἦ που τοῦ γε πολλὰ ἐξημαρτηκότος καὶ δημοσίᾳ εἰς τὴν πόλιν καὶ ἰδίᾳ εἰς ἕκαστον ὑμῶν, ὧν ἑκάστου ἁμαρτήματος ἐν τοῖς νόμοις θάνατος ἡ ζημία ἐστί, δεῖ ὑμᾶς σφόδρα θάνατον αὐτοῦ καταψηφίσασθαι.

70 Λέξει δέ, ὦ ἄνδρες δικασταί, καὶ ἐξαπατῆσαι
ὑμᾶς πειράσεται, ὡς ἐπὶ τῶν τετρακοσίων Φρύ-
νιχον ἀπέκτεινε, καὶ ἀντὶ τούτου φησιν αὐτὸν
Ἀθηναῖον τὸν δῆμον ποιήσασθαι, ψευδόμενος, ὦ
ἄνδρες δικασταί· οὔτε γὰρ Φρύνιχον ἀπέκτεινεν
71 οὔτε Ἀθηναῖον αὐτὸν ὁ δῆμος ἐποιήσατο. Φρυ-
νίχῳ γάρ, ὦ ἄνδρες δικασταί, κοινῇ Θρασύβουλός
τε ὁ Καλυδώνιος καὶ Ἀπολλόδωρος ὁ Μεγαρεὺς
ἐπεβούλευσαν· ἐπειδὴ δὲ ἐπετυχέτην αὐτῷ βαδί-
ζοντι, ὁ μὲν Θρασύβουλος τύπτει τὸν Φρύνιχον καὶ

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[1] ὦφλεν Sauppe: ὤφλησεν MSS.

[2] ἱκανῶς Bekker: κακῶς MSS.

trade of slander in all the private suits that he brought, or in the various impeachments and depositions that he made, there is no need for me to speak in detail. To sum the whole, you all in the Assembly, and likewise in the law-court, convicted him of venal slander and made him pay a fine of ten thousand drachmae; so that this point has been sufficiently attested by your whole body. Then again, he attempted, with a character like that, to debauch and defile free-born wives of our citizens, and was taken in adultery; and for that the penalty is death. Call witnesses to the truth of my words.

WITNESSES

Then is it not clearly a duty upon you all to convict this man? For if each of the brothers was thought deserving of death for a single offence, surely the man who, both publicly against the city and privately against each of you, has committed many offences, for each of which the penalty under our laws is death, must by all means be condemned to death by you.

He will say, gentlemen, attempting to deceive you, that in the time of the Four Hundred[a] he killed Phrynichus,[b] and in reward for this, he asserts, the people made him an Athenian citizen. But he lies, gentlemen. For neither did he kill Phrynichus, nor did the people make him an Athenian citizen. It was Thrasybulus of Calydon and Apollodorus of Megara, gentlemen, who combined in a plot against Phrynichus: they lighted on him as he was out walking, and Thrasybulus struck Phrynichus, knock-

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[a] 411 B.C.; *cf.* XII. 42.

[b] A prominent member of the Four Hundred; *cf.* Thucydides, viii. 92.

καταβάλλει πατάξας, ὁ δὲ Ἀπολλόδωρος οὐχ ἥψατο· ἀλλ' ἐν τούτῳ κραυγὴ γίγνεται καὶ ᾤχοντο φεύγοντες. Ἀγόρατος δὲ οὑτοσὶ οὔτε παρεκλήθη οὔτε παρεγένετο οὔτε οἶδε τοῦ πράγματος οὐδέν. ὡς δὲ ἀληθῆ λέγω, αὐτὸ ὑμῖν τὸ ψήφισμα δηλώσει.

ΨΗΦΙΣΜΑ

72 Ὅτι μὲν οὐκ ἀπέκτεινε Φρύνιχον, ἐξ αὐτοῦ τοῦ ψηφίσματος δῆλον· οὐδαμοῦ γάρ ἐστιν "Ἀγόρατον Ἀθηναῖον εἶναι" ὥσπερ Θρασύβουλον [καὶ Ἀπολλόδωρον][1]· καίτοι εἴπερ ἀπέκτεινε Φρύνιχον, ἔδει αὐτὸν ἐν τῇ αὐτῇ στήλῃ, ἵνα περ Θρασύβουλον [καὶ Ἀπολλόδωρον],[1] Ἀθηναῖον πεποιημένον <ἐγγεγράφθαι>[2]· τὰ μέντοι ὀνόματα διαπράττονται σφῶν αὐτῶν, δόντες ἀργύριον τῷ ῥήτορι, προσγραφῆναι εἰς τὴν στήλην ὡς εὐεργέτας ὄντας. καὶ ὡς ἀληθῆ λέγω, τοῦτο τὸ ψήφισμα ἐλέγξει.

ΨΗΦΙΣΜΑ

73 Οὕτω μέντοι οὑτοσὶ πολὺ ὑμῶν κατεφρόνει, ὥστε οὐκ ὢν Ἀθηναῖος καὶ ἐδίκαζε καὶ ἠκκλησίαζε καὶ γραφὰς τὰς ἐξ ἀνθρώπων ἐγράφετο, ἐπιγραφόμενος Ἀναγυράσιος, εἶναι. ἔπειτα δὲ καὶ ἕτερον μέγα τεκμήριον ὡς οὐκ [ἂν][3] ἀπέκτεινε Φρύνιχον, δι' ὃ[4] Ἀθηναῖός φησι γεγενῆσθαι. ὁ Φρύνιχος γὰρ οὗτος τοὺς τετρακοσίους κατέστησεν· ἐπειδὴ δ' ἐκεῖνος ἀπέθανεν, οἱ πολλοὶ τῶν τετρακοσίων ἔφυγον. 74 πότερον οὖν δοκοῦσιν ὑμῖν οἱ

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[1] καὶ Ἀπολλόδωρον del. Roehl.

[2] ἐγγεγράφθαι add. Thalheim.

[3] ἂν del. Contius.

[4] ὃ Sauppe: ὃν mss.

ing him down with the blow; but Apollodorus did not touch him. Meanwhile an outcry arose, and they ran off and disappeared. But Agoratus here was neither invited to join them nor was present at the deed, nor does he know anything of the matter. The truth of my statement will be shown you by the decree itself.

Decree[a]

That he did not kill Phrynichus is clear from the decree itself: for nowhere do we find "that Agoratus be an Athenian," as in the case of Thrasybulus. If, however, he had killed Phrynichus, he ought to appear as having been made an Athenian in the inscription on the same tablet as Thrasybulus does; though some do contrive, by bribing the proposer, to have their own names added to the tablet as "benefactors." The truth of my words will be proved by this decree.

Decree[a]

But yet, this man had so much contempt for you that although he was not an Athenian he took his seat in the law-court, and in the Assembly, and made impeachments of every conceivable kind, giving in his name with the addition—"of Anagyra.[b]" And besides, I have further good evidence against his having killed Phrynichus,—an act for which he claims to have been made an Athenian: this Phrynichus established the Four Hundred; after his death, most of the Four Hundred fled. Do you then

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[a] These were decrees passed by the people in gratitude to the slayers of Phrynichus, who were granted full civic rights in the form "That so-and-so be an Athenian."

[b] A district on the west coast of Attica.

τριάκοντα καὶ ἡ βουλὴ ἡ τότε[1] βουλεύουσα, οἳ αὐτοὶ
ἦσαν ἅπαντες τῶν τετρακοσίων τῶν φυγόντων,
ἀφεῖναι ἂν λαβόντες τὸν Φρύνιχον ἀποκτείναντα, ἢ
τιμωρήσασθαι ὑπὲρ Φρυνίχου καὶ τῆς φυγῆς ἧς
75 αὐτοὶ ἔφυγον; ἐγὼ μὲν οἶμαι τιμωρεῖσθαι ἄν. εἰ
μὲν οὖν μὴ ἀποκτείνας προσποιεῖται, ὡς ἐγώ φημι,
ἀδικεῖ[2]· εἰ δὲ ἀμφισβητεῖς καὶ φῂς Φρύνιχον ἀποκτεῖναι,
δῆλον ὅτι μείζω τὸν δῆμον τὸν Ἀθηναίων
κακὰ ποιήσας τὴν ὑπὲρ Φρυνίχου αἰτίαν πρὸς τοὺς
τριάκοντα ἀπελύσω· οὐδέποτε γὰρ πείσεις οὐδένα
[137] ἀνθρώπων ὡς Φρύνιχον ἀποκτείνας ἀφείθης ἂν ὑπὸ
τῶν τριάκοντα, εἰ μὴ μεγάλα τὸν δῆμον τὸν Ἀθηναίων
76 καὶ ἀνήκεστα κακὰ εἰργάσω. ἐὰν μὲν οὖν
φάσκῃ Φρύνιχον ἀποκτεῖναι, τούτων μέμνησθε καὶ
τοῦτον τιμωρεῖσθε ἀνθ' ὧν ἐποίησεν· ἐὰν δ' οὐ
φάσκῃ, ἔρεσθε αὐτὸν δι' ὅ τι φησὶν Ἀθηναῖος
ποιηθῆναι. ἐὰν δὲ μὴ ἔχῃ ἀποδεῖξαι, τιμωρεῖσθε
αὐτὸν ὅτι καὶ ἐδίκαζε[3] καὶ ἠκκλησίαζε καὶ ἐσυκοφάντει
πολλοὺς ὡς Ἀθηναῖος τοὔνομα ἐπιγραφόμενος.

77 Ἀκούω δὲ αὐτὸν παρασκευάζεσθαι ἀπολογεῖσθαι,
ὡς ἐπὶ Φυλήν τε ᾤχετο καὶ συγκατῆλθεν ἀπὸ
Φυλῆς, καὶ τοῦτο μέγιστον ἀγώνισμα εἶναι. ἐγένετο
δὲ τοιοῦτον· ἦλθεν οὗτος ἐπὶ Φυλήν· καίτοι
πῶς ἂν γένοιτο ἄνθρωπος μιαρώτερος; ὅστις
εἰδὼς ὅτι εἰσί τινες ἐπὶ Φυλῇ τῶν ὑπὸ τούτου
ἐκπεπτωκότων ἐτόλμησεν ἐλθεῖν ὡς τούτους.
78 ἐπειδὴ δὲ εἶδον αὐτὸν τάχιστα, συλλαβόντες

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[1] ἡ τότε Cobet: ὅτ' ἐπὶ τῶν λ mss.

[2] ὡς ἐγώ φημι, ἀδικεῖ Gebauer: ἀδικεῖ, ὡς ἐγώ φημι mss.

[3] ἐδίκαζε Taylor: ἐδικάζετο mss.

believe that the Thirty and the Council in session at that time, who were themselves all members of the Four Hundred who had fled, would have let off the slayer of Phrynichus when they had hold of him, instead of taking vengeance on him for Phrynichus and the exile they had suffered? In my opinion, they would have taken vengeance on him. Now, if he is pretending, as I assert, to be the slayer of Phrynichus when he is not, he is guilty there; while if you, sir, dispute this, and declare that you did kill Phrynichus, it is evident that you must have done yet greater injuries to the Athenian people so as to redeem, in the eyes of the Thirty, the blame for Phrynichus's death. For you will never persuade anyone at all that after killing Phrynichus you would have been let off by the Thirty, unless you had inflicted great and irremediable injuries upon the Athenian people. Hence, if he asserts that he killed Phrynichus, remember my words and take vengeance on this man for what he has done: if he disclaims it, ask him on what grounds he alleges that he was made an Athenian. If he fails to prove it, punish him for making use of his assumed title of Athenian to sit in both law-court and Assembly, and to bring slanderous charges against so many persons.

I am told that he is concocting for his defence the plea that he went off to Phyle, and was in the party that returned from Phyle, and that this is the mainstay of his case. But the facts were as I shall relate. This man did go to Phyle; yet, could there be an example of more abject vileness? For he knew that at Phyle there were some of those who had been banished by him, and he had the face to approach them! As soon as they saw him they laid hold of

ἄγουσιν ἄντικρυς ὡς ἀποκτενοῦντες, οὗπερ καὶ τοὺς ἄλλους ἀπέσφαττον, εἴ τινα λῃστὴν ἢ κακοῦργον συλλάβοιεν. στρατηγῶν δὲ Ἄνυτος [ἐπὶ Φυλῆν][1] οὐκ ἔφη χρῆναι ποιεῖν αὐτοὺς ταῦτα, λέγων ὅτι <οὔπω>[2] οὕτω διακέοιντο, ὥστε τιμωρεῖσθαί τινας τῶν ἐχθρῶν, ἀλλὰ νῦν μὲν δεῖν αὐτοὺς ἡσυχίαν ἔχειν. εἰ δέ ποτε οἴκαδε κατέλθοιεν, τότε καὶ τιμωρήσοιντο τοὺς ἀδικοῦντας.

79 ταῦτα λέγων αἴτιος ἐγένετο τοῦ ἀποφυγεῖν τοῦτον ἐπὶ Φυλῇ· ἀνάγκη δὲ ἦν στρατηγοῦ ἀνδρὸς ἀκροᾶσθαι, εἴπερ ἔμελλον σωθήσεσθαι. ἀλλ᾽ ἕτερον· οὔτε γὰρ συσσιτήσας τούτῳ οὐδεὶς φανήσεται οὔτε σύσκηνος γενόμενος οὔτε <ὁ>[3] ταξίαρχος εἰς τὴν φυλὴν κατατάξας, ἀλλ᾽ ὥσπερ ἀλιτηρίῳ οὐδεὶς ἀνθρώπων αὐτῷ διελέγετο. καί μοι κάλει τὸν ταξίαρχον.

ΜΑΡΤΥΡΙΑ

80 Ἐπειδὴ δὲ <αἱ>[4] διαλλαγαὶ πρὸς ἀλλήλους ἐγένοντο καὶ ἔπεμψαν οἱ [πολῖται][5] ἐκ Πειραιῶς τὴν πομπὴν εἰς πόλιν, ἡγεῖτο μὲν Αἴσιμος [τῶν πολιτῶν],[6] οὗτος δὲ οὕτω τολμηρὸς καὶ ἐκεῖ[7] ἐγένετο· συνηκολούθει γὰρ λαβὼν τὰ ὅπλα καὶ συνέπεμπε τὴν πομπὴν μετὰ τῶν ὁπλιτῶν[8] πρὸς τὸ ἄστυ.

81 ἐπειδὴ δὲ πρὸς ταῖς πύλαις[9] ἦσαν καὶ ἔθεντο τὰ ὅπλα, πρὶν εἰσιέναι εἰς τὸ ἄστυ, ὁ μὲν Αἴσιμος αἰσθάνεται καὶ προσελθὼν τήν τε ἀσπίδα αὐτοῦ λαβὼν ἔρριψε, καὶ ἀπιέναι ἐκέλευσεν ἐς κόρακας

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[1] ἐπὶ Φυλὴν del. Dobree.
[2] οὔπω add. Stephanus.
[3] ὁ add. Sauppe.
[4] αἱ add. Dobree.
[5] πολῖται del. Dobree.
[6] τῶν πολιτῶν del. Sauppe.
[7] ἐκεῖ Brulart: ἐκεῖνος, τότε MSS.

him and dragged him straight away to be killed in the place where they executed ordinary pirates or robbers that fell into their hands. Anytus, who was the general, said that they ought not to do that, on the ground that they were not yet in a position to punish certain of their enemies: at that moment they should rather keep quiet. If ever they returned home, they would then proceed to punish the guilty. By that speech he was the cause of this man's escape at Phyle: it was necessary to obey a man in the position of general, if they were to preserve themselves. Nay, further, you will find no one who has shared either this man's table or his tent, nor did the commander assign him a place in his tribe[a]; to all he was a polluted person with whom they would not talk. Please call the commander.

EVIDENCE

When they had reached their mutual agreement, and the Peiraeus party made their procession to the citadel,[b] they were led by Aesimus; but there too this man showed similar audacity. For he followed along under arms, joining in the procession with the heavy-armed men to the city. But when they were close to the gates, and grounded arms before entering the city, Aesimus perceived him and went up to him, seized his shield, and flung it away, with the order—

[a] There was one "taxiarch" for each of the ten tribes, whose ranks were formed by him.

[b] *i.e.*, to the temple of Athene on the Acropolis.

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[8] ὁπλιτῶν Dobree: πολιτῶν MSS.

[9] πύλαις Palmer: φυλαῖς MSS.

[ἐκ τῶν πολιτῶν.][1] οὐ γὰρ ἔφη δεῖν ἀνδροφόνον αὐτὸν ὄντα συμπέμπειν τὴν πομπὴν τῇ Ἀθηνᾷ. τούτῳ τῷ τρόπῳ ὑπὸ Αἰσίμου ἀπηλάθη. ὡς δ' ἀληθῆ λέγω, μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

82 Τούτῳ τῷ τρόπῳ, ὦ ἄνδρες δικασταί, καὶ ἐπὶ Φυλῇ καὶ ἐν Πειραιεῖ πρὸς τοὺς ὁπλίτας διέκειτο· οὐδεὶς γὰρ αὐτῷ διελέγετο ὡς ἀνδροφόνῳ ὄντι, τοῦ τε μὴ ἀποθανεῖν Ἄνυτος ἐγένετο αὐτῷ αἴτιος. ἐὰν οὖν τῇ ἐπὶ Φυλὴν ὁδῷ ἀπολογίᾳ χρῆται, ὑπολαμβάνειν χρὴ εἰ Ἄνυτος αὐτῷ ἐγένετο αἴτιος μὴ ἀποθανεῖν ἑτοίμων ὄντων τιμωρεῖσθαι, καὶ ἔρριψεν αὐτοῦ Αἴσιμος τὴν ἀσπίδα καὶ οὐκ εἴα [μετὰ τῶν πολιτῶν][2] συμπέμπειν[3] τὴν πομπήν, [καὶ εἴ τις αὐτὸν ταξίαρχος εἰς τάξιν τινὰ κατέταξε].[4]

83 Μήτε οὖν ταῦτα αὐτοῦ ἀποδέχεσθε, μήτ' ἐὰν
λέγῃ ὅτι πολλῷ χρόνῳ ὕστερον τιμωρούμεθα. οὐ
γὰρ οἶμαι οὐδεμίαν τῶν τοιούτων ἀδικημάτων
προθεσμίαν εἶναι, ἀλλ' ἐγὼ μὲν οἶμαι, εἴτ' εὐθὺς
εἴτε χρόνῳ τις τιμωρεῖται, τοῦτον δεῖν ἀποδεικ-
84 νύναι ὡς οὐ πεποίηκε περὶ ὧν ἐστιν ἡ αἰτία. οὗτος
τοίνυν τοῦτο ἀποφαινέτω, ἢ ὡς οὐκ ἀπέκτεινεν
ἐκείνους ἢ ὡς δικαίως, κακόν τι ποιοῦντας τὸν
δῆμον τὸν Ἀθηναίων. εἰ δὲ πάλαι δέον τιμωρεῖ-
σθαι ὕστερον ἡμεῖς τιμωρούμεθα, τὸν χρόνον κερ-
δαίνει ὃν ἔζη οὐ προσῆκον αὐτῷ, οἱ δὲ ἄνδρες ὑπὸ
τούτου οὐδὲν ἧττον τεθνήκασιν.

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[1] ἐκ τῶν πολιτῶν del. Naber.

[2] μετὰ τῶν πολιτῶν del. Sauppe.

[3] συμπέμπειν Fuhr: πέμπειν mss.

[4] καὶ . . . κατέταξε del. Halbertsma.

"Be off, crows' meat! A murderer like you must not join in the procession to Athene." This was the way in which he was driven off by Aesimus; and I will produce witnesses to the truth of my statement.

WITNESSES

These were the real relations, gentlemen, that he had with the heavy-armed troops, both at Phyle and in the Peiraeus. Nobody would speak to him, as a known murderer, and Anytus was the cause of his escape from death. If, therefore, he makes use of his journey to Phyle as a plea in his defence, you must retort with the question whether Anytus was the cause of his escape from death when they were ready to do justice upon him, and whether Aesimus flung away his shield and forbade him to join in the procession.

You must not accept that plea from him, nor this one either, if he should urge it,—that we are exacting the penalty a long time after the offence. For I do not think there is any statute of limitations[a] for such crimes as his: my opinion rather is that, whether brought to his account immediately or after some time, this man must prove that he has not done the things that form the subject of the charge. Let him therefore satisfy us, either that he did not cause the death of those men, or that he did so with justice because they were doing a mischief to the Athenian people. But if we are late in punishing where we ought to have punished long ago, he is a gainer by the time in which he lived illicitly, while those men have none the less suffered death by his act.

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[a] See note on VII. 17.

85 Ἀκούω δ' αὐτὸν καὶ ‹τούτῳ›[1] διισχυρίζεσθαι,
ὅτι "ἐπ' αὐτοφώρῳ" τῇ ἀπαγωγῇ ἐπιγέγραπται,
ὃ πάντων ἐγὼ οἶμαι εὐηθέστατον· ὡς εἰ μὲν τὸ
ἐπ' αὐτοφώρῳ μὴ προσεγέγραπτο, ἔνοχος ‹ἂν›[2]
[138] ὢν τῇ ἀπαγωγῇ· διότι δὲ τοῦτο προσγέγραπται,
[ἔνοχος ὢν][3] ῥᾳστώνην τινὰ οἴεται αὑτῷ εἶναι.
τοῦτο δὲ οὐδὲν ἄλλο[4] ἔοικεν ἢ ὁμολογεῖν ἀποκτεῖναι,
μὴ ἐπ' αὐτοφώρῳ δέ, καὶ περὶ τούτου διισχυρίζεσθαι,
ὥσπερ, εἰ μὴ ἐπ' αὐτοφώρῳ μέν,
ἀπέκτεινε δέ, τούτου ἕνεκα δέον αὐτὸν σῴζεσθαι.
86 δοκοῦσι δ' ἔμοιγε οἱ ἕνδεκα οἱ παραδεξάμενοι τὴν
ἀπαγωγὴν ταύτην, ‹οὐκ›[5] οἰόμενοι Ἀγοράτῳ
συμπράττειν καὶ τότε διισχυριζομένῳ,[6] σφόδρα
ὀρθῶς ποιῆσαι Διονύσιον τὴν ἀπαγωγὴν ἀπάγοντ'[7]
ἀναγκάζοντες τό γε[8] προσγράψασθαι ἐπ' αὐτοφώρῳ·
ἢ πῶς οὐκ ἂν εἴη[9] ‹ὃς›[10] πρῶτον μὲν
ἐναντίον πεντακοσίων [ἐν τῇ βουλῇ],[11] εἶτα πάλιν
ἐναντίον Ἀθηναίων ἁπάντων [ἐν τῷ δήμῳ][11]
ἀπογράψας τινὰς ἀποκτείνειε καὶ αἴτιος γένοιτο
87 τοῦ θανάτου; οὐ γὰρ δήπου τοῦτο μόνον οἴει τὸ[12]
ἐπ' αὐτοφώρῳ, ἐάν τις ξύλῳ ἢ μαχαίρᾳ πατάξας
καταβάλῃ, ἐπεὶ ἔκ γε τοῦ σοῦ λόγου οὐδεὶς φανήσεται
ἀποκτείνας τοὺς ἄνδρας οὓς σὺ ἀπέγραψας·
οὔτε γὰρ ἐπάταξεν αὐτοὺς οὐδεὶς οὔτ' ἀπέσφαξεν,
ἀλλ' ἀναγκασθέντες ὑπὸ τῆς σῆς ἀπογραφῆς
ἀπέθανον. οὐκ οὖν ‹ὁ›[13] αἴτιος τοῦ θανάτου, οὗτος
ἐπ' αὐτοφώρῳ ἐστί; τίς οὖν ἄλλος αἴτιος ἢ σὺ

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[1] τούτῳ add. Kayser. [2] ἂν add. Herwerden.
[3] ἔνοχος ὢν del. Dobree.
[4] οὐδὲν ἄλλο Sauppe: οὐδενὶ ἄλλῳ MSS. [5] οὐκ add. Taylor.
[6] καὶ τότε διισχυριζομένῳ Kocks: τότε καὶ διισχυριζόμενοι MSS.
[7] ἀπάγοντ' Falk: ἀπάγειν MSS. [8] τό γε Sluiter: τότε MSS.
[9] πῶς οὐκ ἂν εἴη Sauppe: ὅπου ἂν ᾖ MSS.

I am told that he also takes his stand on the plea that the words "in the act" appear in the warrant for arrest; but this, I consider, is utter imbecility. So, without the addition of the words "in the act," he would be liable to the arrest; but just because the words have been added, he thinks he can extricate himself! This simply amounts, it would seem, to an admission that he has killed, but has not been taken in the act; and to insist on that is to imply that, if he was not taken in the act, but did the killing, he ought therefore to escape. But, in my view, the Eleven who authorized this arrest, without a thought of supporting Agoratus's plea,—on which he was even then insisting,—were quite correct in compelling Dionysius, who sought the warrant for arrest, to add the words "in the act": surely that must be so, in dealing with a man who, first before five hundred, and then again before the whole body of the Athenians, made depositions whereby he took the lives of some of them, and thus was responsible for their death. For you cannot of course suppose that "in the act" only applies to a man felled with the stroke of a club or a dagger; since, by your argument, nobody will be found to have actually killed the men against whom you deposed. For no one either struck them or assassinated them, but your deposition had the effect of compelling them to die.[a] Then is not the author of their death a person caught "in the act"? Now, who can be that author but you, who

[a] By a draught of hemlock.

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[10] ὃς add. Gebauer.

[11] ἐν τῇ βουλῇ et ἐν τῷ δήμῳ del. Kayser.

[12] οἴει τὸ Westermann: οἴεται MSS.

[13] ὁ add. Emperius.

ἀπογράψας; ὥστε πῶς οὐκ ἐπ' αὐτοφώρῳ σὺ εἶ
ὁ ἀποκτείνας;

88 Πυνθάνομαι δ' αὐτὸν καὶ περὶ τῶν ὅρκων καὶ
περὶ τῶν συνθηκῶν μέλλειν λέγειν, ὡς παρὰ τοὺς
ὅρκους καὶ τὰς συνθήκας ἀγωνίζεται ἃς συνεθέμεθα
πρὸς τοὺς ἐν ἄστει οἱ ἐν [τῷ][1] Πειραιεῖ. σχεδὸν
μὲν οὖν τούτοις ἰσχυριζόμενος ὁμολογεῖ ἀνδρο-
φόνος εἶναι· ἐμποδὼν γοῦν ἢ ὅρκους ἢ συνθήκας
ἢ χρόνον ἢ <τὸ>[2] ἐπ' αὐτοφώρῳ [τι][3] ποιεῖται,
αὐτῷ δὲ τῷ πράγματι[4] οὔ τι[5] πιστεύει καλῶς
89 ἀγωνιεῖσθαι. ὑμῖν δέ, ὦ ἄνδρες δικασταί, οὐ
προσήκει περὶ τούτων ἀποδέχεσθαι· ἀλλ' ὡς οὐκ
ἀπέγραψεν οὐδὲ οἱ ἄνδρες τεθνᾶσι, περὶ τούτων
κελεύετε αὐτὸν ἀπολογεῖσθαι. ἔπειτα τοὺς ὅρκους
καὶ τὰς συνθήκας οὐδὲν ἡγοῦμαι προσήκειν ἡμῖν
πρὸς τοῦτον. οἱ γὰρ ὅρκοι τοῖς ἐν ἄστει πρὸς τοὺς
90 ἐν Πειραιεῖ γεγένηνται. εἰ μὲν οὖν οὗτος μὲν ἐν
ἄστει ἡμεῖς δ' ἐν Πειραιεῖ ἦμεν, εἶχον <ἄν>[6] τινα
λόγον αὐτῷ αἱ συνθῆκαι· νῦν δὲ καὶ οὗτος ἐν
Πειραιεῖ ἦν καὶ ἐγὼ καὶ Διονύσιος καὶ οὗτοι
ἅπαντες οἱ τοῦτον τιμωρούμενοι, ὥστε οὐκ εἰσιν
ἡμῖν ἐμποδὼν <οὐδέν>[7]· οὐδένα γὰρ ὅρκον οἱ ἐν
Πειραιεῖ τοῖς ἐν Πειραιεῖ[8] ὤμοσαν.

91 Ἐκ παντὸς δὲ τρόπου ἔμοιγε δοκεῖ οὐχ ἑνὸς θα-
νάτου ἄξιος εἶναι, ὅστις φησὶ μὲν ὑπὸ τοῦ δήμου
<πεποιῆσθαι>,[9] τὸν δὲ δῆμον, ὃν αὐτός φησι
πατέρα αὐτοῦ εἶναι, φαίνεται κακώσας, καθυφεὶς[10]

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[1] τῷ del. Baiter.
[2] τὸ add. Dobree.
[3] τι del. Reiske.
[4] πράγματι Reiske: γράμματι MSS.
[5] οὔ τι Reiske: οὔτε, οὐ MSS.
[6] ἄν add. Baiter.
[7] οὐδέν add. Reiske.
[8] Πειραιεῖ Palmer: ἄστει MSS.
[9] πεποιῆσθαι add. Reiske.
[10] καθυφεὶς Francken: καὶ ἀφεὶς MSS.

made the depositions? So clearly you, who killed them, have been caught in the act.

I understand that he intends to refer to the oaths and agreements,[a] and will tell us that his prosecution is a violation of the oaths and agreements that we of the Peiraeus contracted with the party of the town. Well, if he takes his stand on these, he practically admits that he is a murderer: at least, he makes an objection of oaths, or agreements, or lapse of time, or the words "in the act"; but in itself the case affords him no confidence of success in his trial. Your duty, gentlemen of the jury, is to reject these arguments: you must bid him direct his defence to these questions—Did he make no depositions? Are those men not dead? Besides, I consider that the oaths and agreements in no way affect our position regarding this man. For the oaths have been taken between the parties of the town and of the Peiraeus. If, indeed, he was in the town while we were in the Peiraeus, the agreements would have been something for him to count upon; but the truth is that he was in the Peiraeus, like me and Dionysius and all these persons who are for punishing the man, so that we are faced with no objection there. For there was no oath taken between the men of the Peiraeus and the men of the Peiraeus.

In every view, I consider, he deserves more deaths than one; for the same man who says that the people have made him one of them is found to have injured the people whom he himself calls his father, by treacherously sapping the resources that they had

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[a] Providing an amnesty for all except the Thirty, the Eleven who executed their orders, and their ten commissioners in the Peiraeus.

καὶ προδοὺς ἐξ ὧν ἐκεῖνος μείζων καὶ ἰσχυρότερος
ἐγίγνετο. ὅστις οὖν τόν τε γόνῳ πατέρα τὸν αὑτοῦ
ἔτυπτε καὶ οὐδὲν παρεῖχε τῶν ἐπιτηδείων, τόν τε
ποιητὸν πατέρα ἀφείλετο ἃ ἦν ὑπάρχοντα ἐκείνῳ
ἀγαθά, πῶς οὐ καὶ διὰ τοῦτο κατὰ[1] τὸν τῆς
κακώσεως νόμον ἄξιός ἐστι θανάτῳ ζημιωθῆναι;
92 Προσήκει δ' ὑμῖν, ὦ ἄνδρες δικασταί, ἅπασι
τιμωρεῖν ὑπὲρ ἐκείνων τῶν ἀνδρῶν ὁμοίως ὥσπερ
ἡμῶν ἑνὶ ἑκάστῳ. ἀποθνῄσκοντες γὰρ [ὑμῖν][2]
ἐπέσκηψαν καὶ ἡμῖν καὶ τοῖς φίλοις[3] ἅπασι τιμωρεῖν
ὑπὲρ σφῶν αὐτῶν Ἀγόρατον τουτονὶ ὡς
φονέα ὄντα, καὶ κακῶς ποιεῖν καθ' ὅσον ἂν ἔμβραχυ[4]
ἕκαστος δύνηται. εἰ τοίνυν τι ἐκεῖνοι ἀγαθὸν τὴν
πόλιν ἢ τὸ πλῆθος τὸ ὑμέτερον φανεροί εἰσι
πεποιηκότες, ὃ καὶ αὐτοὶ ὑμεῖς ὁμολογεῖτε, ἀνάγκη
ὑμᾶς ἐστι πάντας ἐκείνοις φίλους καὶ ἐπιτηδείους
εἶναι, ὥστε οὐδὲν μᾶλλον ἡμῖν ἢ καὶ ὑμῶν ἑνὶ
93 ἑκάστῳ ἐπέσκηψαν. οὔκουν οὔτε ὅσιον οὔτε
νόμιμον ὑμῖν ἐστιν ἀνεῖναι Ἀγόρατον τουτονί.
ὑμεῖς τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, νυνὶ δή, ἐπεὶ
ἐν τῷ τότε χρόνῳ, ἐν ᾧ ἐκεῖνοι ἀπέθνῃσκον, οὐχ
οἷοί τε ἦστε ἐπαρκέσαι διὰ τὰ πράγματα τὰ περιεστηκότα,[5]
νυνί, ἐν ᾧ δύνασθε, τιμωρήσατε τὸν
ἐκείνων φονέα. ἐνθυμεῖσθε δ', ὦ ἄνδρες Ἀθηναῖοι,
ὅπως μὴ πάντων ἔργον σχετλιώτατον ἐργάσησθε.
[139] εἰ γὰρ ἀποψηφιεῖσθε Ἀγοράτου τουτουί, οὐ μόνον
τοῦτο διαπράττεσθε, ἀλλὰ καὶ ἐκείνων τῶν ἀνδρῶν,
οὓς ὁμολογεῖτε ὑμῖν εὔνους εἶναι, τῇ αὐτῇ
94 ψήφῳ ταύτῃ θάνατον καταψηφίζεσθε· ἀπολύοντες
γὰρ τὸν αἴτιον ὄντα ἐκείνοις τοῦ θανάτου οὐδὲν

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[1] κατὰ Emperius: καὶ διὰ mss.

[2] ὑμῖν del. Saupppe.

for advancing their greatness and strength. Therefore, just as much as the man who struck his own natural father and denied him all necessaries of life, he who robbed his adoptive father of the means that he possessed is certainly, on this one score, as provided by the law of such maltreatment, deserving of the penalty of death.[a]

It is the duty of you all, gentlemen, as it is of each one of us, to avenge those men. For it was their dying injunction both to us and to all their friends, that we should avenge them on this man Agoratus as their murderer, and do him, in a word, all the injury of which each of us is capable. Now, if they have manifestly done some good service to the city or your democracy, as you yourselves acknowledge, it must follow that you all are friends and intimates of theirs, so that they enjoined this on each of you no less than on us. Hence it would be impious as well as illegal for you to absolve this man Agoratus. And now it is for you, men of Athens, to-day,—since at that moment when they were to die you were unable to come to their aid because of the embarrassments of your situation,—to-day, when you are able, to punish their murderer. And take heed, men of Athens, lest you commit the most abominable act of all. For if you acquit this man Agoratus, your action does not stop there, but by that same vote you condemn to death those men whom you acknowledge as your supporters. By releasing the author of their death you simply decide that they

[a] § 91 appears to be a rhetorical expansion by a later hand.

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[3] φίλοις Sauppe: ἄλλοις MSS.
[4] ἔμβραχυ Dobree: βραχὺ MSS.
[5] περιεστηκότα Markland: παρεστηκότα MSS.

ἄλλο γιγνώσκετε ἢ ἐκείνους δικαίως ὑπὸ τούτου
τεθνηκέναι. καὶ οὕτως ἂν δεινότατα πάντων
πάθοιεν, εἰ οἷς ἐπέσκηπτον ἐκεῖνοι ὡς φίλοις οὖσι
τιμωρεῖν ὑπὲρ αὐτῶν, οὗτοι ὁμόψηφοι κατ᾽ ἐκείνων
95 τῶν ἀνδρῶν τοῖς τριάκοντα γενήσονται. μηδαμῶς,
ὦ ἄνδρες δικασταί, πρὸς θεῶν Ὀλυμπίων, μήτε
τέχνῃ μήτε μηχανῇ μηδεμιᾷ θάνατον ἐκείνων τῶν
ἀνδρῶν καταψηφίσησθε, οἳ πολλὰ κἀγαθὰ ὑμᾶς
ποιήσαντες διὰ ταῦτα ὑπὸ τῶν τριάκοντα καὶ
Ἀγοράτου τουτουὶ ἀπέθανον. ἀναμνησθέντες οὖν
ἁπάντων τῶν δεινῶν, καὶ τῶν κοινῶν τῇ πόλει καὶ
τῶν ἰδίων, ὅσα ἑκάστῳ ἐγένετο ἐπειδὴ ἐκεῖνοι οἱ
ἄνδρες ἐτελεύτησαν, τιμωρήσατε τὸν αἴτιον τούτων.
ἀποδέδεικται δ᾽ ὑμῖν [ἅπαντα][1] καὶ ἐκ τῶν ψηφισμά-
των καὶ ἐκ τῶν ἀπογραφῶν καὶ ἐκ τῶν ἄλλων
ἁπάντων Ἀγόρατος ὢν αὐτοῖς αἴτιος τοῦ θανάτου.
96 Ἔτι δὲ καὶ προσήκει ὑμῖν ἐναντία τοῖς τριάκοντα
ψηφίζεσθαι· ὧν μὲν τοίνυν ἐκεῖνοι θάνατον κατ-
έγνωσαν, ὑμεῖς ἀποψηφίσασθε· ὧν δ᾽ ἐκεῖνοι
θάνατον οὐ κατέγνωσαν, ὑμεῖς καταψηφίσασθε.[2]
οἱ τριάκοντα τοίνυν τῶν μὲν ἀνδρῶν τούτων, οἳ
ἦσαν ὑμέτεροι φίλοι, θάνατον κατέγνωσαν, ὧν δεῖ
ὑμᾶς ἀποψηφίζεσθαι· Ἀγοράτου δὲ ἀπεψηφίσαντο,
διότι ἐδόκει προθύμως τούτους ἀπολλύναι· οὗ
97 προσήκει καταψηφίζεσθαι. ἐὰν οὖν τὰ ἐναντία
τοῖς τριάκοντα ψηφίζησθε, πρῶτον μὲν οὐχ ὁμό-
ψηφοι <τοῖς ἐχθροῖς>[3] γίγνεσθε, ἔπειτα τοῖς ὑμε-
τέροις αὐτῶν φίλοις τετιμωρηκότες ἔσεσθε, ἔπειτα
τοῖς πᾶσιν ἀνθρώποις δόξετε δίκαια καὶ ὅσια
ψηφίσασθαι.

have been justly put to death by him. And thus the most awful of all fates would be theirs, if those whom they charged to avenge them as their friends should support with their votes the motion of the Thirty against those men. In the name of the Olympian gods, gentlemen of the jury, let neither art nor craft induce you to condemn those men to death who precisely for their many good services to you were put to death by the Thirty and by Agoratus here. Remember all the horrors, both those that smote the State as a whole and those that each of us felt in private, when those men lost their lives, and punish the author of them all. It has been made plain to you, alike from the decrees, the depositions and all the rest, that Agoratus is the author of their death.

Furthermore, it behoves you to vote in opposition to the Thirty: you must therefore acquit the men whom they condemned to death; and you must convict those whom they did not so condemn. Now, the Thirty condemned to death these men, who were your friends, and these you ought to acquit. Agoratus they acquitted, because he was found zealous for their destruction: him you ought to convict. If, therefore, you vote in opposition to the Thirty, first of all, you are not supporting your enemies with your votes; next, you will have avenged your own friends; and last, you will be held by all the world to have given a just and a pious vote.

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[1] *ἅπαντα* del. Taylor.
[2] *καταψηφίσασθε* Fuhr: *καταγινώσκετε* MSS.
[3] *τοῖς ἐχθροῖς* add. Francken.

XIV. AND XV. AGAINST ALCIBIADES

(i.) FOR DESERTING THE RANKS
(ii.) FOR REFUSAL OF MILITARY SERVICE

INTRODUCTION

ALCIBIADES the Younger, who is prosecuted in these two speeches, was probably born in 416 B.C., a year before his father's disgrace and banishment from Athens. At the time of this trial (395 B.C.), which followed immediately on the successful—though bloodless—expedition from Athens to assist the Thebans against the Spartans at Haliartus in Boeotia, the accused was about twenty-one years old. It is not necessary, or even possible, to believe all that the prosecution has to tell of the young man's villainies : he could have been no more than eleven years old when he went to Thrace, as alleged, to betray his father (405 B.C.). Nevertheless we can be fairly confident that the general picture of his character here presented is correct ; for it may be presumed to agree on the whole with facts that were within the knowledge of the court. Even Isocrates (XVI. *On the Chariot-team*), in defending him against another charge, can find nothing to say in favour of his personal qualities.

The son appears to have been even more vicious than the father, and to have lacked any redeeming spark of genius, or any charm that could rouse more than ordinary carnal desire (*cf.* XIV. § 26). He also lacked money ; but in spite of all, the glamour of his father's name seems to have gained him the support of some influential people, among whom were the generals who are mentioned as coming forward in his defence.

Athenian law provided for the punishment of three sorts of military crime,—refusal of service, desertion from the ranks, and cowardice. The first two of these are frequently mentioned in antiquity. " Cowardice " was probably another name for the statutory crime of " throwing away one's shield " (*cf.* X. *Against Theomnestus*) : sometimes no clear distinction was drawn between " refusal of service " and " desertion " ; thus the two speeches now before us, although obviously composed for the same trial, have been handed down with the different headings of " desertion " and " refusal of service." Alcibiades might have been arraigned for another legal offence, —the fraud of serving in the cavalry without having passed the requisite scrutiny of character, means and training. This offence, of course, carried with it the stigma of cowardice, as service was pleasanter and safer in the cavalry than in the infantry : but the prosecution prefers to bring the more serious charges of " desertion " and " refusal of service," and relies largely on raking up the disgraceful record of the detested father's career.

The son is accused before a court-martial of soldiers presided over by generals. The penalty involved is the loss of civic rights and also, if the text of § 9 is sound, the confiscation of property. The two speeches are supplementary to the first and main accusation by an unknown person named Archestratides, whose speech has not been preserved.

No. XIV. begins with a statement of the speaker's personal hatred of the accused, inherited from his own father (1-3). He then discusses the laws on refusal of service, desertion and cowardice, and shows how Alcibiades is guilty of each form of offence, and that his service in the cavalry was itself irregular (4-10). His punishment is necessary in the interests of discipline and the prestige of the State : the court must remember their own high standard of duty (11-15). Neither the defendant's youth nor his parentage should command any sympathy. The pleas of his relatives—who failed to keep him in the right path—and of high officials—who should rather support the cause of order—should all be disregarded (16-22). The despicable life and character of the accused are enough to condemn him (23-29). His father's infamous career, which caused the ruin of Athens, should also be remembered (30-40). The family as a whole is utterly detestable, and this young man is the most worthless and contemptible of his breed. Much more might have been told against him : the court must stand by the oaths that they have taken and do their duty (41-47).

No. XV. appeals first to the generals who are supporting the accused, and protests against their preposterous action. It is unlikely that they could have enrolled Alcibiades in the cavalry as they assert that they did ; if they did so, it was grossly irregular (1-8). Although the law is severe, it must be enforced as strictly as any order of battle (9-12).

There can be little doubt that both of these speeches were composed by Lysias. It has been suggested[a] that a certain elegance of style in XIV. (especially in §§ 12 and 13) may be due to a desire to emulate a skilled speech-writer—perhaps Isocrates—who composed the defence of Alcibiades.

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[a] Gernet et Bizos, i. p. 223.

XIV. ΚΑΤΑ ΑΛΚΙΒΙΑΔΟΥ ΛΙΠΟΤΑΞΙΟΥ

1 Ἡγοῦμαι μέν, ὦ ἄνδρες δικασταί, οὐδεμίαν ὑμᾶς
ποθεῖν ἀκοῦσαι πρόφασιν παρὰ τῶν βουλομένων
Ἀλκιβιάδου κατηγορεῖν· τοιοῦτον γὰρ πολίτην
ἑαυτὸν ἐξ ἀρχῆς παρέσχεν, ὥστε καὶ εἰ μή τις
ἰδίᾳ ἀδικούμενος ὑπ᾽ αὐτοῦ τυγχάνει, οὐδὲν ἧττον
προσήκει ἐκ τῶν ἄλλων ἐπιτηδευμάτων ἐχθρὸν
2 αὐτὸν ἡγεῖσθαι. οὐ γὰρ μικρὰ τὰ ἁμαρτήματα
οὐδὲ συγγνώμης ἄξια, οὐδ᾽ ἐλπίδα παρέχοντα ὡς
ἔσται τοῦ λοιποῦ βελτίων, ἀλλ᾽ οὕτω πεπραγμένα
καὶ εἰς τοσοῦτον κακίας ἀφιγμένα, ὥστ᾽ ἐπ᾽ ἐνίοις[1]
ὧν οὗτος φιλοτιμεῖται <καὶ>[2] τοὺς ἐχθροὺς αἰσχύνεσθαι.
ἐγὼ μέντοι, ὦ ἄνδρες δικασταί, καὶ
πρότερον πρὸς τοὺς πατέρας ἡμῖν διαφορᾶς ὑπαρχούσης,
καὶ πάλαι τοῦτον πονηρὸν[3] ἡγούμενος,
καὶ νῦν ὑπ᾽ αὐτοῦ πεπονθὼς κακῶς, πειράσομαι
ὑπὲρ[4] πάντων τῶν πεπραγμένων μεθ᾽ ὑμῶν αὐτὸν
3 τιμωρήσασθαι. περὶ μὲν οὖν τῶν ἄλλων Ἀρχεστρατίδης
ἱκανῶς κατηγόρησε· καὶ γὰρ τοὺς
νόμους ἐπέδειξε καὶ μάρτυρας πάντων παρέσχετο·
ὅσα δ᾽ οὗτος παραλέλοιπεν, ἐγὼ καθ᾽ ἕκαστον
ὑμᾶς διδάξω. [ἀνάγνωθι δέ μοι τὸν νόμον.

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[1] ἐπ᾽ ἐνίοις Reiske: ἐπινικίοις MSS.

[2] καὶ add. Jacobs.

XIV. AGAINST ALCIBIADES: FOR DESERTING THE RANKS

I do not believe, gentlemen of the jury, that you desire to hear any excuse for the action of those who have resolved to accuse Alcibiades: for from the outset he has shown himself so unworthy of the citizenship that it is the duty of anyone, even in the absence of a personal wrong suffered at his hands, to regard him none the less as an enemy because of the general tenor of his life. His offences are not slight or entitled to indulgence, nor do they offer a hope of his reform in the future: they have been committed in such a manner, and have carried villainy to such lengths, that even his enemies feel ashamed for some of the things on which he prides himself. Yet I, gentlemen, since our fathers were previously at feud, and since my long-standing sense of his rascally character has now been increased by maltreatment at his hands, will try with your aid to make him pay the penalty for all that he has done. The main indictment has been sufficiently delivered by Archestratides; for he has exhibited the laws and produced witnesses to everything. But on certain points that he has omitted I will give you particular information.

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[3] πονηρὸν Reiske: πότερον, ἐχθρὸν MSS.
[4] ὑπὲρ Frohberger: περὶ MSS.

ΝΟΜΟΣ][1]

4 Εἰκὸς τοίνυν ἐστίν, ὦ ἄνδρες δικασταί, ἐξ οὗ τὴν εἰρήνην ἐποιησάμεθα, πρῶτον περὶ τούτων νυνὶ δικάζοντας μὴ μόνον δικαστὰς ἀλλὰ καὶ νομοθέτας αὐτοὺς γενέσθαι, εὖ εἰδότας ὅτι, ὅπως ἂν ὑμεῖς νυνὶ περὶ αὐτῶν γνῶτε, οὕτω καὶ τὸν ἄλλον χρόνον ἡ πόλις αὐτοῖς χρήσεται. δοκεῖ δέ μοι καὶ πολίτου χρηστοῦ καὶ δικαστοῦ δικαίου ἔργον εἶναι ταύτῃ τοὺς νόμους διαλαμβάνειν, ὅπῃ εἰς τὸν λοιπὸν χρόνον μέλλει συνοίσειν τῇ πόλει. 5 [140] τολμῶσι γάρ τινες λέγειν ὡς οὐδεὶς ἔνοχός ἐστι λιποταξίου οὐδὲ δειλίας· μάχην γὰρ οὐδεμίαν γεγονέναι, τὸν δὲ νόμον κελεύειν, ἐάν τις λίπῃ τὴν τάξιν εἰς τοὐπίσω δειλίας ἕνεκα, μαχομένων τῶν ἄλλων, περὶ τούτου τοὺς στρατιώτας δικάζειν. ὁ δὲ νόμος οὐ περὶ τούτων κελεύει μόνον, ἀλλὰ καὶ ὁπόσοι ἂν μὴ παρῶσιν ἐν τῇ πεζῇ στρατιᾷ. ἀνάγνωθί μοι τὸν νόμον.

ΝΟΜΟΣ

6 Ἀκούετε, ὦ ἄνδρες δικασταί, ὅτι περὶ ἀμφοτέρων κεῖται, καὶ ὅσοι ἂν μάχης οὔσης εἰς τοὐπίσω ἀναχωρήσωσι, καὶ ὅσοι ἂν ἐν τῇ πεζῇ στρατιᾷ μὴ παρῶσι. σκέψασθε δὲ τίνες εἰσὶν οὓς δεῖ παρεῖναι. οὐχ οἵτινες ἂν τὴν ἡλικίαν ταύτην ἔχωσιν; οὐχ οὓς ἂν οἱ στρατηγοὶ καταλέξωσιν; 7 ἡγοῦμαι δ᾽, ὦ ἄνδρες δικασταί, ὅλῳ τῷ νόμῳ μόνον αὐτὸν τῶν πολιτῶν ἔνοχον εἶναι· ἀστρατείας μὲν γὰρ δικαίως ἂν αὐτὸν ἁλῶναι, ὅτι καταλεγεὶς ὁπλίτης[2] οὐκ ἐξῆλθε[3] μεθ᾽ ὑμῶν, <λιποταξίου δέ,

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[1] ἀνάγνωθι . . . νόμος del. Bake.

[2] ὁπλίτης Stephanus: ὁ πατὴρ cod. Pal.

Now it is reasonable, gentlemen of the jury, that men who are now trying such a case for the first time since we settled the peace[a] should act not merely as jurors, but in fact as law-makers. For you know well that your decision upon these cases will determine the attitude of the city towards them for all time. And it is the duty, in my opinion, alike of a loyal citizen and of a just juror to put such constructions on the laws as are likely to be of benefit to the city in the future. For some are bold enough to assert that nobody can be chargeable with desertion or cowardice, since no battle has taken place; that the law merely provides for a court-martial on anyone who, from cowardice, has deserted the ranks and retreated while the rest were fighting. But the provisions of the law apply not only to such a case, but also to that of anyone who fails to appear in the infantry lines. Please read the law.

Law

You hear, gentlemen, how it covers both alike,—those who retreat to the rear during battle, and those who do not appear in the infantry lines. And consider who they are that are bound to appear. Are they not all persons who have reached the proper age? Are they not those whom the generals have enrolled? I believe, gentlemen, that he is the one citizen who is liable to the full scope of the law: for he would with justice be convicted of refusing duty, because after being enrolled as a foot-soldier he did not march out with you; of desertion, because he

[a] *i.e.*, the peace of 404 B.C., which ended the Peloponnesian War.

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[3] ἐξῆλθε Reiske: ἐπεξῆλθε MSS.

ὅτι ἐν τῷ⟩[1] στρατοπέδῳ μόνος οὐ παρέσχε μετὰ τῶν ἄλλων ἑαυτὸν τάξαι, δειλίας δέ, ὅτι δεῖν αὐτὸν[2] μετὰ τῶν ὁπλιτῶν[3] κινδυνεύειν ἱππεύειν εἵλετο.
8 καίτοι φασὶν αὐτὸν ταύτην τὴν ἀπολογίαν ποιήσεσθαι, ὡς ἐπειδήπερ ἵππευεν, οὐδὲν ἠδίκει τὴν πόλιν. ἐγὼ δ' ἡγοῦμαι διὰ τοῦθ' ὑμᾶς δικαίως ἂν αὐτῷ ὀργίζεσθαι, ὅτι τοῦ νόμου κελεύοντος, ἐάν τις ἀδοκίμαστος ἱππεύῃ, ἄτιμον εἶναι, ἐτόλμησεν ἀδοκίμαστος ἱππεύειν. καί μοι ἀνάγνωθι τὸν νόμον.

ΝΟΜΟΣ

9 Οὗτος τοίνυν εἰς τοῦτ' ἦλθε πονηρίας, καὶ οὕτως ὑμῶν κατεφρόνησε καὶ τοὺς πολεμίους ἔδεισε καὶ ἱππεύειν ἐπεθύμησε καὶ τῶν νόμων οὐκ ἐφρόντισεν, ὥστε οὐδὲν αὐτῷ τούτων τῶν κινδύνων ἐμέλησεν, ἀλλ' ἐβουλήθη καὶ ἄτιμος εἶναι καὶ τὰ χρήματ' αὐτοῦ δημευθῆναι καὶ πάσαις ταῖς κειμέναις ζημίαις ἔνοχος γενέσθαι μᾶλλον ἢ μετὰ τῶν πολιτῶν εἶναι
10 καὶ ὁπλίτης γενέσθαι. καὶ ἕτεροι μὲν οὐδεπώποτε ὁπλιτεύσαντες, ἱππεύοντες δὲ[4] τὸν ἄλλον χρόνον καὶ πολλὰ κακὰ τοὺς πολεμίους πεποιηκότες, οὐκ ἐτόλμησαν ἐπὶ τοὺς ἵππους ἀναβῆναι, δεδιότες ὑμᾶς καὶ τὸν νόμον· οὕτω γὰρ ἦσαν παρεσκευασμένοι, οὐχ ὡς ἀπολουμένης τῆς πόλεως, ἀλλ' ὡς σωθησομένης καὶ μεγάλης ἐσομένης καὶ τιμωρησομένης τοὺς ἀδικοῦντας· Ἀλκιβιάδης δ' ἐτόλμησεν ἀνα-

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[1] λιποταξίου . . . ἐν τῷ add. Dobree.

[2] δεῖν αὐτὸν Schott: δεῖ ἕκαστον MSS.

[3] ὁπλιτῶν Stephanus: πολιτῶν MSS.

[4] ἱππεύοντες δὲ Emperius: ἵππου ὄντες δέ, ἔφιπποι δὲ ὄντες MSS.

alone of the whole force did not present himself for the formation of the ranks ; and of cowardice, because, when it was his duty to share the danger with the infantry, he chose to serve in the cavalry. They say, indeed, that he will resort to the defence that, since he was in the cavalry, he was doing no wrong to the State. But in my opinion you would find just cause for indignation against him in the fact that, although the law provides that anyone who serves in the cavalry without having passed his scrutiny [a] shall be disfranchised, he had the audacity to serve in the cavalry without having passed his scrutiny. Now, please, read the law.

LAW

This man, then, carried roguery to such a length, and was so contemptuous of you and so timorous of the enemy, so desirous of serving in the cavalry and so heedless of our laws, that he recked nought of the risks involved, and preferred the prospect of being disfranchised, having his property confiscated and being liable to all the statutory penalties, to that of taking his place with the citizens and serving as an infantryman. There were others who had never before served in the infantry, but had always been cavalrymen and had inflicted many losses on the enemy : yet they did not venture to mount their horses, from fear of you and of the law. For they had shaped their plans on the prospect, not of the city's destruction, but of its deliverance, its ascendancy and its retaliation upon wrongdoers. But Alcibiades was rash enough to mount, though he

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[a] Held by the Council in order to maintain a high class of manhood in the cavalry.

βῆναι, οὔτε εὔνους ὢν τῷ πλήθει οὔτε πρότερον
ἱππεύσας οὔτε νῦν ἐπιστάμενος οὔτε ὑφ' ὑμῶν
δοκιμασθείς, ὡς οὐκ ἐξεσόμενον τῇ πόλει δίκην
11 παρὰ τῶν ἀδικούντων λαμβάνειν. ἐνθυμηθῆναι δὲ
χρὴ ὅτι, εἰ ἐξέσται ὅ τι ἄν τις βούληται ποιεῖν,
οὐδὲν ὄφελος νόμους κεῖσθαι ἢ ὑμᾶς συλλέγεσθαι
ἢ στρατηγοὺς αἱρεῖσθαι. θαυμάζω δέ, ὦ ἄνδρες
δικασταί, εἴ τις ἀξιοῖ, ἐὰν μέν τις προσιόντων τῶν
πολεμίων τῆς πρώτης τάξεως τεταγμένος τῆς δευτέρας
γένηται, τούτου μὲν δειλίαν καταψηφίζεσθαι,
ἐὰν δέ τις ἐν τοῖς ὁπλίταις τεταγμένος ἐν τοῖς
12 ἱππεῦσιν ἀναφανῇ, τούτῳ συγγνώμην ἔχειν. καὶ
μὲν δή, ὦ ἄνδρες δικασταί, ἡγοῦμαι δικάζειν ὑμᾶς
οὐ μόνον τῶν ἐξαμαρτανόντων ἕνεκα, ἀλλ' ἵνα καὶ
τοὺς ἄλλους τῶν ἀκοσμούντων σωφρονεστέρους ποιῆτε.
ἐὰν μὲν τοίνυν τοὺς ἀγνῶτας κολάζητε, οὐδεὶς
ἔσται τῶν ἄλλων βελτίων· οὐδεὶς γὰρ εἴσεται τὰ
ὑφ' ὑμῶν καταψηφισθέντα· ἐὰν δὲ τοὺς ἐπιφανεστάτους
τῶν ἐξαμαρτανόντων τιμωρῆσθε, πάντες
πεύσονται, ὥστε τούτῳ παραδείγματι χρώμενοι
13 βελτίους ἔσονται οἱ πολῖται. ἐὰν τοίνυν τούτου
καταψηφίσησθε, οὐ μόνον οἱ ἐν τῇ πόλει εἴσονται,
ἀλλὰ καὶ οἱ σύμμαχοι αἰσθήσονται καὶ οἱ πολέμιοι
πεύσονται, καὶ ἡγήσονται πολὺ πλείονος ἀξίαν
εἶναι τὴν πόλιν, ἐὰν ὁρῶσιν ἐπὶ τοῖς τοιούτοις τῶν
ἁμαρτημάτων μάλισθ' ὑμᾶς ὀργιζομένους καὶ
μηδεμιᾶς συγγνώμης τοὺς ἀκοσμοῦντας ἐν τῷ
14 πολέμῳ τυγχάνοντας. ἐνθυμεῖσθε δ', ὦ ἄνδρες
δικασταί, ὅτι τῶν στρατιωτῶν οἱ μὲν κάμνοντες
ἐτύγχανον, οἱ δὲ ἐνδεεῖς ὄντες τῶν ἐπιτηδείων, καὶ
ἡδέως ἂν οἱ μὲν ἐν ταῖς πόλεσι καταμείναντες
ἐθεραπεύοντο, οἱ δὲ οἴκαδ' ἀπελθόντες τῶν οἰκείων

is no supporter of the people, nor had seen service in the cavalry before, nor is qualified for it now, nor had passed your scrutiny : he presumed that the city would be without the power to do justice upon wrongdoers. You must reflect that, if men are to be permitted to do whatever they please, it is useless to have your code of laws, your Assemblies, or your election of generals. And I wonder, gentlemen, at anyone considering it right, when a man has retired, at the approach of the enemy, from his post in the first rank to a place in the second, to convict him of cowardice, and then, if a man has appeared in the cavalry when his post was in the infantry, to grant him a pardon ! And besides, gentlemen, I conceive that your judgement is given, not merely with a view to the offenders, but also for the reformation of all other insubordinate persons. Now, if you punish men who are unknown, not one among the rest will be improved ; for nobody will know the sentences that you have passed : but if you inflict the penalty on the most conspicuous offenders, everyone will be apprised, and so the citizens, with this example before them, will be improved. Again, if you condemn this man, not only will the people of our city know, but our allies also will take notice and our enemies will be informed ; and they will hold our city in much higher regard if they see that you are especially indignant at this kind of offence, and that those who are insubordinate in war obtain no pardon. And reflect, gentlemen, that some of the soldiers were sick, while others lacked the necessaries of life, and that the former would have been glad to remain for treatment in their cities, and the latter to retire home and attend to their own affairs ; others would

[141] ἐπεμέλοντο, οἱ δὲ ψιλοὶ[1] ἐστρατεύοντο, οἱ δ' ἐν τοῖς
15 ἱππεῦσιν ἐκινδύνευον· ἀλλ' ὅμως οὐκ ἐτολμᾶτε
ἀπολιπεῖν τὰς τάξεις οὐδὲ τἀρεστὰ ὑμῖν αὐτοῖς
αἱρεῖσθαι ἀλλὰ πολὺ μᾶλλον ἐφοβεῖσθε τοὺς τῆς
πόλεως νόμους ἢ τὸν πρὸς τοὺς πολεμίους κίνδυνον.
ὧν χρὴ μεμνημένους ὑμᾶς νυνὶ τὴν ψῆφον φέρειν, καὶ
πᾶσι φανερὸν ποιεῖν ὅτι Ἀθηναίων οἱ μὴ βουλόμενοι
τοῖς πολεμίοις μάχεσθαι ὑφ' ὑμῶν κακῶς
πείσονται.

16 Ἡγοῦμαι δέ, ὦ ἄνδρες δικασταί, περὶ μὲν τοῦ
νόμου καὶ αὐτοῦ τοῦ πράγματος οὐχ ἕξειν αὐτοὺς ὅ
τι λέξουσιν· ἀναβαίνοντες δ' ὑμᾶς ἐξαιτήσονται καὶ
ἀντιβολήσουσιν, οὐκ ἀξιοῦντες τοῦ Ἀλκιβιάδου
ὑέος τοσαύτην δειλίαν καταγνῶναι, ὡς ἐκεῖνον
πολλῶν ἀγαθῶν ἀλλ' οὐχὶ πολλῶν κακῶν αἴτιον
γεγενημένον· ὃν εἰ τηλικοῦτον ὄντα ἀπεκτείνατε,
ὅτε πρῶτον εἰς ὑμᾶς ἐλάβετε ἐξαμαρτάνοντα, οὐκ
17 ἂν ἐγένοντο συμφοραὶ τοσαῦται τῇ πόλει. δεινὸν
δέ μοι δοκεῖ, ὦ ἄνδρες δικασταί, εἶναι, εἰ αὐτοῦ
μὲν ἐκείνου θάνατον κατέγνωτε, τοῦ δὲ ὑοῦ ἀδικοῦντος
δι' ἐκεῖνον ἀποψηφιεῖσθε, ὃς αὐτὸς μὲν
οὐκ ἐτόλμα μεθ' ὑμῶν μάχεσθαι, ὁ δὲ πατὴρ αὐτοῦ
μετὰ τῶν πολεμίων ἠξίου στρατεύεσθαι. καὶ ὅτε
μὲν παῖς ὢν[2] οὔπω δῆλος ἦν ὁποῖός τις ἔσται,
διὰ τὰ τοῦ πατρὸς ἁμαρτήματα ὀλίγου τοῖς ἕνδεκα
παρεδόθη· ἐπειδὴ δὲ πρὸς τοῖς ἐκείνῳ πεπραγμένοις
ἐπίστασθε καὶ τὴν τούτου πονηρίαν, διὰ τὸν
18 πατέρα ἐλεεῖν αὐτὸν ἀξιώσετε; οὐκ οὖν δεινόν, ὦ
ἄνδρες δικασταί, τούτους μὲν οὕτως εὐτυχεῖς εἶναι
ὥστ', ἐπειδὰν ἐξαμαρτάνοντες ληφθῶσι, διὰ τὸ

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[1] ψιλοὶ Contius: φίλοι MSS.

[2] ὢν Markland: ἦν, ἦν καὶ MSS.

have liked to serve as light-armed troops, or else to take their risk with the cavalry. But still, you did not venture to desert your ranks or choose what was most agreeable to yourselves, but were far more afraid of the city's laws than of the danger of meeting the foe. All this you should remember when you give your vote to-day, and so make evident to all that any Athenians who do not wish to do battle with the enemy will suffer sorely at your hands.

I believe, gentlemen, that on the point of law and on the actual fact they will have nothing to say; but they will stand up here to beg him off and plead with you, claiming that you ought not to convict of such utter cowardice the son of Alcibiades, since that person has been the source of so many benefits,—instead of so much harm! Nay, if you had put that man to death at this man's age, the first time that you caught him offending against you, the city would have escaped her great disasters. And I feel it will be extraordinary, gentlemen, if, after condemning that person himself to death, you acquit on his account the son with guilt upon him,—this son who had not the courage himself to fight in your ranks, and whose father thought fit to march in those of the enemy. When this person, as a child, had not yet shown what kind of man he would be, he came near being handed over to the Eleven[a] on account of his father's offences; and now that you are acquainted with the roguery which this man has added to his father's exploits, will you think proper to pity him on his father's account? Is it not monstrous, gentlemen, that these people should be so fortunate, when taken in transgression, as to come off safe on account of their birth,

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[a] The officers appointed to execute condemned criminals.

αὐτῶν γένος σῴζεσθαι, ἡμᾶς δέ, εἰ ἐδυστυχήσαμεν
διὰ τοὺς οὕτως ἀτακτοῦντας, μηδένα ἂν δύνασθαι
παρὰ τῶν πολεμίων ἐξαιτήσασθαι μηδὲ διὰ τὰς τῶν
19 προγόνων ἀρετάς; καίτοι πολλαὶ καὶ μεγάλαι καὶ
ὑπὲρ ἁπάντων τῶν Ἑλλήνων γεγόνασι, καὶ οὐδὲν
ὅμοιαι τοῖς ὑπὸ τούτων περὶ τὴν πόλιν πεπραγμένοις,
ὦ ἄνδρες δικασταί. εἰ δ' ἐκεῖνοι δοκοῦσι
βελτίους εἶναι σῴζοντες τοὺς φίλους, δῆλον ὅτι
καὶ ὑμεῖς ἀμείνους δόξετε εἶναι τιμωρούμενοι τοὺς
20 ἐχθρούς. ἀξιῶ δ', ὦ ἄνδρες δικασταί, ἐὰν μέν τινες
τῶν συγγενῶν αὐτὸν ἐξαιτῶνται, ὀργίζεσθαι ὅτι
τούτου μὲν οὐκ ἐπεχείρησαν δεηθῆναι (ἢ δεηθέντες
οὐκ ἐδύναντο εὑρέσθαι) ποιεῖν τὰ ὑπὸ τῆς πόλεως
προσταττόμενα, ὑμᾶς δὲ πείθειν πειρῶνται ὡς οὐ
21 χρὴ παρὰ τῶν ἀδικούντων δίκην λαμβάνειν· ἐὰν δέ
τινες τῶν ἀρχόντων βοηθῶσιν αὐτῷ ἐπίδειξιν μὲν
τῆς ἑαυτῶν δυνάμεως ποιούμενοι, φιλοτιμούμενοι
δὲ ὅτι καὶ τοὺς φανερῶς ἡμαρτηκότας σῴζειν
δύνανται, ὑμᾶς [δὲ][1] χρὴ ὑπολαμβάνειν πρῶτον
μὲν ὅτι, εἰ πάντες Ἀλκιβιάδῃ ὅμοιοι ἐγένοντο,
οὐδὲν ἂν ἔδει τῶν στρατηγῶν[2] (οὐδὲ γὰρ <ἂν>[3]
εἶχον ὅτου ἡγοῦντο), ἔπειθ' ὅτι πολὺ μᾶλλον αὐτοὺς
προσήκει τῶν λιπόντων τὴν τάξιν κατηγορεῖν ἢ
ὑπὲρ τῶν τοιούτων ἀπολογεῖσθαι. τίς γὰρ ἔστιν
ἐλπὶς τοὺς ἄλλους ἐθελήσειν ποιεῖν τὰ ὑπὸ τῶν
22 στρατηγῶν προσταττόμενα, ὅταν αὐτοὶ οὗτοι τοὺς
ἀκοσμοῦντας σῴζειν πειρῶνται; ἐγὼ τοίνυν ἀξιῶ,
ἐὰν μὲν ἀποδείξωσιν οἱ λέγοντες καὶ αἰτούμενοι
ὑπὲρ Ἀλκιβιάδου ὡς ἐστρατεύσατο ἐν τοῖς ὁπλίταις
ἢ ὡς ἵππευε[4] δεδοκιμασμένος, ἀποψηφίσασθαι·

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[1] δὲ del. Cobet.

[2] τῶν στρατηγῶν Reiske: τοῦ στρατηγεῖν MSS.

while we, if we had met with misfortune as a result of their insubordination, would be unable to retrieve a single man from the enemy even on the plea of your ancestors' high achievements? And yet these have been numerous, important and advantageous to all the Greeks, and utterly unlike the conduct of these men towards the city, gentlemen of the jury. If they are more valued for trying to save their friends, clearly you on your part will be more honoured for seeking to punish your enemies.

And I expect you, gentlemen, if some of his relatives attempt to beg him off, to be indignant that they were not at pains to entreat him—or, having entreated, were unable to prevail on him—to do what the city enjoined, but are endeavouring to persuade you that you should not punish wrongdoers. If, again, some of the magistrates come to his support, so as to make a display of their own power, and to enjoy the glory of being able to save even obvious offenders, you ought to observe, in the first place, that if everyone had shown the same character as Alcibiades there would have been no need of our generals,—for they would have had nobody to lead,—and secondly, that it is much more their duty to accuse deserters from the ranks than to speak in defence of such creatures. For what hope can we have that the others will comply with the orders issued by the generals, when these lend their authority to the attempt to save the insubordinate? Now, my claim is this: if those who speak as intercessors for Alcibiades can prove that he has been on service in the infantry, or was a cavalryman duly approved on scrutiny, he should be

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[3] ἂν add. Baiter.
[4] ἵππευε Markland: ἱππεύειν MSS.

ἐὰν δὲ μηδὲν ἔχοντες δίκαιον κελεύωσιν αὐτοῖς
χαρίζεσθαι,[1] μεμνῆσθαι χρὴ ὅτι διδάσκουσιν ὑμᾶς
ἐπιορκεῖν καὶ τοῖς νόμοις μὴ πείθεσθαι, καὶ ὅτι λίαν
προθύμως τοῖς ἀδικοῦσι βοηθοῦντες πολλοὺς τῶν
αὐτῶν ἔργων ἐπιθυμεῖν ποιήσουσι.

23 Θαυμάζω δὲ μάλιστα, ὦ ἄνδρες δικασταί, εἴ τις
ὑμῶν τὸν Ἀλκιβιάδην ἀξιώσει διὰ μὲν τοὺς βοηθοῦντας
σῴζεσθαι, διὰ δὲ τὴν αὐτοῦ πονηρίαν μὴ
ἀπολέσθαι. ἧς ἄξιον ὑμᾶς ἀκοῦσαι, ἵν' ἐπίστησθε
ὅτι οὐκ ἂν εἰκότως αὐτοῦ ἀποψηφίζοισθε, ὡς
ταῦτα μὲν ἡμαρτηκότος, τὰ δ' ἄλλα πολίτου
χρηστοῦ γεγενημένου· ἐκ γὰρ τῶν ἄλλων τῶν
τούτῳ πεπραγμένων δικαίως ἂν αὐτοῦ θάνατον
24 καταψηφίζοισθε. προσήκει δ' ὑμῖν περὶ αὐτῶν
[142] εἰδέναι· ἐπειδὴ γὰρ καὶ τῶν ἀπολογουμένων
ἀποδέχεσθε λεγόντων τὰς σφετέρας αὐτῶν ἀρετὰς
καὶ τὰς τῶν προγόνων εὐεργεσίας, εἰκὸς ὑμᾶς καὶ
τῶν κατηγόρων ἀκροᾶσθαι, ἐὰν ἀποφαίνωσι τοὺς
φεύγοντας πολλὰ εἰς ὑμᾶς ἡμαρτηκότας καὶ τοὺς
προγόνους αὐτῶν πολλῶν κακῶν αἰτίους γεγενημένους.
25 οὗτος γὰρ παῖς μὲν ὢν παρ' Ἀρχεδήμῳ
τῷ γλάμωνι, <τῷ>[2] οὐκ ὀλίγα τῶν ὑμετέρων
ὑφῃρημένῳ, πολλῶν ὁρώντων ἔπινεν[3] ὑπὸ τῷ
αὐτῷ ἱματίῳ[4] κατακείμενος, ἐκώμαζε <δὲ>[5] μεθ'
ἡμέραν, ἄνηβος ἑταίραν ἔχων, μιμούμενος τοὺς
ἑαυτοῦ προγόνους, καὶ ἡγούμενος οὐκ ἂν δύνασθαι
πρεσβύτερος ὢν λαμπρὸς γενέσθαι, εἰ μὴ

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[1] αὐτοῖς χαρίζεσθαι Dobree: αὐτοὶ ὀργίζεσθαι MSS.

[2] τῷ add. Reiske.

[3] ἔπινεν Reiske: ἔτι μέν, νυκτὸς τὲ MSS.

[4] αὐτῷ ἱματίῳ Taylor: αὐτοματι, αὐτῷ οἰκήματι MSS.

[5] δὲ add. Reiske.

acquitted ; but if, for want of any justification, they demand a favour for themselves, you should remember that they are teaching you to break your oath and disobey the laws, and that their excessive zeal in the support of wrongdoers will make many people aspire to the same conduct.

What surprises me most of all, gentlemen, is that any of you can think it right that Alcibiades should be saved on account of his supporters, instead of perishing on account of his villainy. And of that you ought to be told, so that you may understand how unreasonable it would be for you to acquit him on the ground that, though guilty of these offences, in all else he had shown himself a loyal citizen. For the rest of his actions would justify you in condemning him to death. It is your duty to be informed of them ; for you allow those speaking in defence to discourse on their own merits and on the services rendered by their ancestors, and therefore it is fair that you should listen also to accusers when they expose the many crimes that the defendants have committed against you, and the many evils that their ancestors have brought about. When this man was a child, he was seen by a number of people at the house of Archedemus the Blear-eyed,[a] who had embezzled not a little of your property, drinking the while he lay at length under the same cloak ; he carried on his revels till daylight, keeping a mistress when he was under age, and imitating his ancestors, in the belief that he would not achieve distinction in his later years unless he could show himself an utter rascal

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[a] A popular leader, who pressed for the prosecution of the commanders after Arginusae, 406 B.C. ; *cf.* Aristophanes, *Frogs*, 417.

26 νέος ὢν πονηρότατος δόξει εἶναι. μετεπέμφθη δ'
ὑπὸ Ἀλκιβιάδου, ἐπειδὴ φανερῶς ἐξημάρτανε.
καίτοι ποῖόν τινα χρὴ αὐτὸν ὑφ' ὑμῶν νομίζεσθαι
εἶναι, ὅστις κἀκείνῳ τοιαῦτ' ἐπιτηδεύων διεβέβλητο
ὃς τοὺς ἄλλους ταῦτ' ἐδίδασκε; μετὰ Θεοτίμου
δὲ ἐπιβουλεύσας τῷ πατρὶ Ὄρνους προὔδωκεν.
ὁ δὲ παραλαβὼν τὸ χωρίον πρότερον μὲν ὕβριζεν
αὐτὸν ὡραῖον ὄντα, τελευτῶν δὲ δήσας ἀργύριον
27 εἰσεπράττετο. ὁ δὲ πατὴρ αὐτὸν οὕτως ἐμίσει
σφόδρα, ὥστ' οὐδ' <ἂν>[1] ἀποθανόντος ἔφασκε
τὰ ὀστᾶ κομίσασθαι. τελευτήσαντος δ' ἐκείνου
ἐραστὴς γενόμενος Ἀρχεβιάδης αὐτὸν ἐλύσατο.
οὐ πολλῷ δὲ χρόνῳ ὕστερον κατακυβεύσας τὰ
ὄντα, ἐκ Λευκῆς ἀκτῆς ὁρμώμενος τοὺς φίλους
28 κατεπόντιζεν. ὅσα μὲν οὖν, ὦ ἄνδρες δικασταί,
ἢ εἰς τοὺς πολίτας ἢ εἰς τοὺς ξένους ἢ περὶ τοὺς
αὑτοῦ οἰκείους[2] ἢ περὶ τοὺς ἄλλους ἡμάρτηκε,
μακρὸν ἂν εἴη λέγειν· Ἱππόνικος δὲ πολλοὺς
παρακαλέσας ἐξέπεμψε τὴν αὑτοῦ γυναῖκα, φάσκων
τοῦτον οὐχ ὡς[3] ἀδελφὸν αὐτῆς ἀλλ' ὡς ἄνδρα
29 ἐκείνης εἰς τὴν οἰκίαν εἰσιέναι τὴν αὑτοῦ. καὶ
τοιαῦθ' ἡμαρτηκότι καὶ οὕτω δεινὰ καὶ πολλὰ
καὶ μεγάλα πεποιηκότι οὔτε τῶν γεγενημένων
αὐτῷ μέλει[4] οὔτε τῶν μελλόντων ἔσεσθαι, ἀλλ'
ὃν[5] ἔδει κοσμιώτατον εἶναι τῶν πολιτῶν, ἀπολογίαν
ποιούμενον τὸν ἑαυτοῦ βίον τῶν τοῦ πατρὸς
ἁμαρτημάτων, οὗτος ἑτέρους ὑβρίζειν πειρᾶται,

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[1] οὐδ' ἂν Reiske: οὐδὲ mss.

[2] οἰκείους . . . ξένους transp. Frohberger.

[3] οὐχ ὡς Contius: ὡς οὐκ mss.

[4] μέλει Kayser: μεταμέλει mss.

[5] ἀλλ' ὃν Reiske: ὃν μᾶλλον mss.

in his youth. He was sent for by Alcibiades,[a] since his outrageous conduct was becoming notorious. And indeed, what ought you to think of the character of the man whose practices were such as to discredit him even in the eyes of the great ringleader in those ways? He conspired with Theotimus against his father, and betrayed Orni[b] to him: but he, when he had gained possession of the stronghold, after abusing him in the flower of youth, ended by imprisoning him and holding him to ransom. But his father felt so deep a hatred of him that he declared that even though he should die he would not recover his bones. When his father was dead[c] Archebiades, who had become his lover, obtained his release. Not long afterwards, having diced away his fortune, he took ship at White Cliff,[d] and attempted to drown his friends at sea. Well, to relate all the offences that he has committed, gentlemen, either against the citizens, or against foreigners, or in his dealings with his own relations or with ordinary people, would be a lengthy affair; but Hipponicus assembled a number of witnesses[e] and put away his wife, stating that this man had been entering his house, not as her brother, but as her husband. And after committing offences of this sort, and being guilty of such a number of monstrous and grievous crimes, he is heedless alike of the past and of the future; when he ought to have been the most orderly of citizens, so as to excuse by his own life the offences of his father, he attempts to outrage

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[a] His father, then an exile in the Thracian Chersonese.

[b] One of the residences of Alcibiades in the Chersonese.

[c] 404 B.C.

[d] On the Propontis.

[e] This was the only formality required for a divorce.

ὥσπερ δυνάμενος ἂν πολλοστὸν μέρος τῶν ὀνειδῶν[1]
τῶν ἑαυτῷ προσηκόντων τοῖς ἄλλοις μεταδοῦναι,
30 καὶ ταῦθ᾽ ὑὸς ὢν Ἀλκιβιάδου, ὃς ἔπεισε μὲν
Δεκέλειαν Λακεδαιμονίους ἐπιτειχίσαι, ἐπὶ δὲ τὰς
νήσους ἀποστήσων ἔπλευσε, διδάσκαλος δὲ τῶν
τῆς πόλεως κακῶν ἐγένετο, πλεονάκις δὲ μετὰ
τῶν ἐχθρῶν ἐπὶ τὴν πατρίδα ἐστρατεύσατο ἢ μετὰ
τῶν πολιτῶν ἐπ᾽ ἐκείνους. ἀνθ᾽ ὧν καὶ ὑμῖν καὶ
τοῖς μέλλουσιν ἔσεσθαι τιμωρεῖσθαι προσήκει ὅντινα
31 λαμβάνετε τούτων. καίτοι σφόδρα εἴθισται λέγειν
ὡς οὐκ εἰκός ἐστι τὸν μὲν πατέρα αὐτοῦ κατελθόντα
δωρεὰς παρὰ τοῦ δήμου λαβεῖν, τοῦτον δ᾽
ἀδίκως διὰ τὴν φυγὴν τὴν ἐκείνου διαβεβλῆσθαι.
ἐμοὶ δὲ δοκεῖ δεινὸν εἶναι, εἰ τὰς μὲν δωρεὰς
αὐτοῦ ἀφείλεσθε ὡς οὐ δικαίως δεδωκότες, τούτου
δὲ ἀδικοῦντος ἀποψηφιεῖσθε ὡς τοῦ πατρὸς
χρηστοῦ περὶ τὴν πόλιν γεγενημένου.
32 Καὶ μὲν δή, ὦ ἄνδρες δικασταί, ἄλλων τε πολλῶν
ἄξιον ἕνεκα αὐτοῦ καταψηφίσασθαι, καὶ ὅτι ταῖς
ὑμετέραις ἀρεταῖς χρῆται παραδείγμασι περὶ τῆς
ἑαυτοῦ πονηρίας. τολμᾷ γὰρ λέγειν ὡς Ἀλκιβιάδης
οὐδὲν δεινὸν εἴργασται ἐπὶ τὴν πατρίδα
33 στρατεύσας[2]· καὶ γὰρ ὑμᾶς φεύγοντας Φυλὴν
καταλαβεῖν καὶ δένδρα τεμεῖν καὶ πρὸς τὰ τείχη
προσβαλεῖν, καὶ ταῦτα ποιήσαντας οὐκ ὄνειδος
τοῖς παισὶ καταλιπεῖν, ἀλλὰ τιμὴν παρὰ πᾶσιν
ἀνθρώποις κτήσασθαι, ὡς τῶν αὐτῶν ὄντας ἀξίους
ὅσοι φυγόντες μετὰ τῶν πολεμίων ἐπὶ τὴν χώραν

[1] τῶν ὀνειδῶν Markland: τῶν εἰδῶν cod. Pal.

[2] στρατεύσας Markland: στρατεύσασθαι MSS.

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[a] In Attica, 413 B.C.

[b] In 407 B.C., when he was welcomed back to a brief

others, as though he might succeed in imparting to his neighbours some tiny share of his own store of infamies,—and that, too, when he is the son of Alcibiades, who induced the Lacedaemonians to fortify Decelea,[a] who sailed to rouse the islands to revolt, who became a promoter of mischief to our city, and who marched more often in the ranks of the enemy against his native land than in those of his fellow-citizens against them! For those actions it is your duty, as it is also of those who are to come after you, to take vengeance on anyone of this family who falls into your hands. Yet it is a constant habit of his to say that it is unfair, when his father on returning home received gifts from the people,[b] that he should find himself unjustly discredited on account of his father's exile. But in my opinion it would be monstrous if, after depriving the father of those gifts as having been unjustly bestowed, you should acquit this man, though a wrongdoer, on the ground of good service done to the city by his father.

And then, gentlemen of the jury, besides other abundant reasons for which he ought to be convicted, there is the fact that he takes your valorous conduct as a precedent to justify his own baseness. For he has the audacity to say that Alcibiades has done nothing outrageous in marching against his native land, since you in your exile occupied Phyle, cut down trees and assaulted the walls, and by these acts of yours, instead of bequeathing disgrace to your children, you won honour in the eyes of all the world; as though there were no difference in the deserts of men who used their exile to march in the ranks of the enemy

popularity on the strength of his friendship with the Persian satrap Tissaphernes.

ἐστράτευσαν, καὶ ὅσοι κατῄεσαν Λακεδαιμονίων
34 ἐχόντων τὴν πόλιν. καὶ μὲν δὴ πᾶσιν ἡγοῦμαι
δῆλον εἶναι ὅτι οὗτοι μὲν ἐζήτουν κατιέναι ὡς τὴν
μὲν τῆς θαλάττης ἀρχὴν Λακεδαιμονίοις παραδώσοντες,
αὐτοὶ δ' ὑμῶν ἄρξοντες. τὸ δ' ὑμέτερον
πλῆθος κατελθὸν τοὺς μὲν πολεμίους ἐξήλασε,
τῶν δὲ πολιτῶν καὶ τοὺς βουλομένους δουλεύειν
[143] ἠλευθέρωσεν· ὥστ' οὐχ ὁμοίων τῶν ἔργων ἀμφοτέροις
35 γεγενημένων τοὺς λόγους ποιεῖται. ἀλλ'
ὅμως τοσούτων συμφορῶν καὶ οὕτως αὐτῷ μεγάλων
ὑπαρχουσῶν ἐπὶ τῇ τοῦ πατρὸς πονηρίᾳ φιλοτιμεῖται,
καὶ λέγει ὡς οὕτως ἐκεῖνος μέγα ἐδύνατο,
ὥστε τῇ πόλει πάντων <τῶν>[1] κακῶν αἴτιος
γεγένηται. καίτοι τίς οὕτως ἄπειρος τῆς ἑαυτοῦ
πατρίδος, ὃς οὐκ ἂν βουλόμενος εἶναι πονηρὸς
εἰσηγήσαιτο μὲν τοῖς πολεμίοις ἃ χρὴ καταλαβεῖν
τῶν χωρίων, δηλώσειε δ' ἂν ἃ κακῶς φυλάττεται
τῶν φρουρίων, διδάξειε δ' ἂν ἃ πονηρῶς ἔχει τῶν
πραγμάτων, μηνύσειε δ' ἂν τοὺς βουλομένους
36 ἀφίστασθαι τῶν συμμάχων; οὐ γὰρ δήπου, ὅτε
μὲν ἔφευγε, διὰ τὴν δύναμιν κακῶς οἷός τ' ἦν
ποιεῖν τὴν πόλιν, ἐπειδὴ δὲ ὑμᾶς ἐξαπατήσας κατῆλθε
καὶ πολλῶν ἦρξε τριήρων, οὔτε τοὺς πολεμίους
ἐδύνατο ἐκ τῆς χώρας ἐκβαλεῖν, οὔτε Χίους οὓς
ἀπέστησε πάλιν φίλους ποιῆσαι, οὔτε ἄλλο οὐδὲν
37 ἀγαθὸν ὑμᾶς ἐργάσασθαι. ὥστ' οὐ χαλεπὸν γνῶναι
ὅτι Ἀλκιβιάδης δυνάμει μὲν οὐδὲν τῶν ἄλλων
διέφερε, πονηρίᾳ δὲ τῶν πολιτῶν πρῶτος ἦν. ἃ
μὲν γὰρ ᾔδει τῶν ὑμετέρων κακῶς ἔχοντα, μηνυτὴς
αὐτῶν[2] Λακεδαιμονίοις ἐγένετο· ἐπειδὴ δ' ἔδει

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[1] τῶν add. Cobet.

[2] αὐτῶν Markland: αὐτοῖς MSS.

against their country, and those who strove for their return while the Lacedaemonians held the city! And again, I think it must be obvious to all that these others sought to return that they might surrender the command of the sea to the Lacedaemonians, and gain the command of you for themselves; whereas your democracy, on its return, expelled the enemy and liberated even those of our citizens who desired to be slaves. So that there is no such parallel between the actions of the two parties as he seeks to draw. But despite the many grievous disasters that are upon his head he prides himself on his father's villainy, and tells us that the man was so mighty that he has been the author of all the troubles that have befallen our city. And yet, what man is there so ignorant of his own country's affairs that cannot, if he chooses to be a villain, inform the enemy of the positions that ought to be occupied, point out the forts that are ill-guarded, instruct them in the weaknesses of the State, and indicate the allies who desire to secede?[a] For if during his exile it was his power that enabled him to injure the city, how was it that, having obtained his return by deceiving you and being in command of many ships of war, he had not power enough to expel the enemy from our land or to regain for you the friendship of the Chians whom he had alienated, or to do you any other useful service? Thus there is no difficulty in concluding that on the score of power he had no particular advantage, but that in foul play he stood first of his fellows. For he took upon him to indicate to the Lacedaemonians the points in your affairs which he knew to be in a bad way; but, when

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[a] *Cf.* the treachery of Alcibiades recorded by Thucydides, viii. 6. 12.

αὐτὸν στρατηγεῖν, οὐδὲν κακὸν ποιεῖν ἐκείνους
ἐδύνατο, ἀλλ᾽ ὑποσχόμενος δι᾽ ἑαυτὸν παρέξειν
βασιλέα χρήματα, πλεῖν ἢ διακόσια τάλαντα τῆς
38 πόλεως ὑφείλετο. καὶ οὕτω πολλὰ ἐνόμιζεν εἰς
ὑμᾶς ἡμαρτηκέναι, ὥστε λέγειν δυνάμενος καὶ
φίλων ὄντων καὶ χρήματα κεκτημένος οὐδέποτ᾽
ἐλθὼν εὐθύνας ἐτόλμησε δοῦναι, ἀλλὰ φυγὴν αὑτοῦ
καταγνοὺς καὶ Θρᾴκης καὶ πάσης πόλεως ἐβούλετο
πολίτης γενέσθαι μᾶλλον ἢ τῆς πατρίδος εἶναι τῆς
ἑαυτοῦ. καὶ τὸ τελευταῖον, ὦ ἄνδρες δικασταί,
ὑπερβολὴν ποιησάμενος τῆς προτέρας πονηρίας
ἐτόλμησε τὰς ναῦς Λυσάνδρῳ μετὰ Ἀδειμάντου
39 προδοῦναι. ὥστε εἴ τις ὑμῶν ἢ τοὺς τεθνεῶτας
ἐν <τῇ>[1] ναυμαχίᾳ ἐλεεῖ, ἢ ὑπὲρ τῶν δουλευσάντων
τοῖς πολεμίοις αἰσχύνεται, ἢ τῶν τειχῶν καθῃρημένων
ἀγανακτεῖ, ἢ Λακεδαιμονίους μισεῖ, ἢ τοῖς
τριάκοντα ὀργίζεται, τούτων ἁπάντων χρὴ τὸν
τούτου πατέρα αἴτιον ἡγεῖσθαι, καὶ ἐνθυμηθῆναι
ὅτι Ἀλκιβιάδην μὲν τὸν πρόπαππον αὐτοῦ καὶ τὸν
πατρὸς πρὸς μητρὸς <πάππον>[2] Μεγακλέα οἱ ὑμέτεροι
πρόγονοι δὶς ἀμφοτέρους ἐξωστράκισαν, τοῦ δὲ
πατρὸς αὐτοῦ οἱ πρεσβύτεροι ὑμῶν θάνατον κατέγνωσαν,
40 ὥστε νῦν χρὴ ἡγησαμένους πατρικὸν
ἐχθρὸν τοῦτον εἶναι τῇ πόλει καταψηφίσασθαι,
καὶ μήτε ἔλεον μήτε συγγνώμην μήτε χάριν
μηδεμίαν περὶ πλείονος ποιήσασθαι τῶν νόμων
τῶν κειμένων καὶ τῶν ὅρκων οὓς ὠμόσατε.

[1] τῇ add. Reiske.

[2] πάππον add. Sauppe.

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[a] The fact rather is that Alcibiades tried to warn the Athenian commanders of the danger of their being surprised at Aegospotami (405 B.C.).

[b] The famous Alcibiades was the son of Cleinias (son of

he had the duty of holding the command, he was powerless to do them any harm. After undertaking that, for his sake, the king would provide us with money, he embezzled more than two hundred talents of our city's funds. So sensible was he of his numerous offences against you that, for all his power of speech, his friends, and his acquisition of wealth, he never once ventured to come under an inquiry, but condemned himself to exile, and preferred to become a citizen of Thrace and any sort of city rather than belong to his own native land. Finally, gentlemen, he outdid his former villainy by daring, with Adeimantus, to surrender the ships to Lysander.[a] So, if anyone among you feels pity for those who lost their lives in the sea-fight, or is ashamed for those who were enslaved by the enemy, or resents the destruction of the walls, or hates the Lacedaemonians, or feels anger against the Thirty, he should hold this man's father responsible for all these things, and reflect that it was Alcibiades, his great-grandfather, and Megacles, his father's grandfather on the mother's side, whom your ancestors ostracized,[b] both of them twice, and that the older among you have condemned his father to death. Wherefore you ought now to condemn this man as one whom you have judged to be a hereditary enemy of the city, and to set neither pity nor forgiveness nor any favour above the established laws and the oaths that you have sworn.

Alcibiades, opponent of the Peisistratids, 510 B.C.), and Deinomache (daughter of Megacles, supporter of the Peisistratid party, 486 B.C.). The people once a year could vote for the expulsion of one citizen from the city, by writing his name on a potsherd (ὄστρακον).

41 Σκέψασθαι δὲ χρή, ὦ ἄνδρες δικασταί, διὰ τί
ἄν τις τοιούτων ἀνδρῶν φείσαιτο; πότερον ὡς
πρὸς μὲν τὴν πόλιν δεδυστυχήκασιν, ἄλλως δὲ
κόσμιοί εἰσι καὶ σωφρόνως βεβιώκασιν; οὐχ οἱ
μὲν πολλοὶ αὐτῶν ἡταιρήκασιν, οἱ δ' ἀδελφαῖς
συγγεγόνασι, τοῖς δ' ἐκ θυγατέρων παῖδες γεγόνασιν,
42 οἱ δὲ μυστήρια πεποιήκασι καὶ τοὺς Ἑρμᾶς
περικεκόφασι καὶ περὶ πάντας τοὺς θεοὺς ἠσεβήκασι
καὶ εἰς ἅπασαν τὴν πόλιν ἡμαρτήκασιν, ἀδίκως
καὶ παρανόμως καὶ πρὸς τοὺς ἄλλους πολιτευόμενοι
καὶ πρὸς σφᾶς αὐτοὺς διακείμενοι,[1] οὐδεμιᾶς
τόλμης ἀπεχόμενοι, οὐδὲ ἔργου δεινοῦ ἄπειροι
γεγενημένοι; ἀλλὰ καὶ πεπόνθασιν καὶ πεποιήκασιν
ἅπαντα. οὕτω γὰρ διάκεινται, ὥστ' ἐπὶ
μὲν τοῖς καλοῖς αἰσχύνεσθαι, ἐπὶ δὲ τοῖς κακοῖς
43 φιλοτιμεῖσθαι. καὶ μὲν δή, ὦ ἄνδρες δικασταί,
ἤδη τινῶν ἀπεψηφίσασθε ἀδικεῖν μὲν νομίσαντες,
οἰόμενοι δ' εἰς τὸ λοιπὸν χρησίμους ὑμῖν ἔσεσθαι.
τίς οὖν ἐλπὶς ὑπὸ τούτου τι ἀγαθὸν πείσεσθαι τὴν
πόλιν, ὃν ὑμεῖς, ὅτι μὲν οὐδενὸς ἄξιός ἐστιν,
ἐπειδὰν ἀπολογῆται, εἴσεσθε, ὅτι δὲ πονηρός ἐστιν
44 ἐκ τῶν ἄλλων ἐπιτηδευμάτων ᾔσθησθε[2]; ἀλλὰ
μὲν δὴ οὐδ' ἂν ἐξελθὼν ἐκ τῆς πόλεως οὐδὲν
[144] δύναιτο κακὸν ὑμᾶς ἐργάσασθαι, δειλὸς ὢν καὶ
πένης καὶ πράττειν ἀδύνατος καὶ τοῖς οἰκείοις
διάφορος καὶ ὑπὸ τῶν ἄλλων μισούμενος. ὥστ'
45 οὐδὲ τούτων ἕνεκα αὐτὸν ἄξιον φυλάττεσθαι, ἀλλὰ
πολὺ μᾶλλον παράδειγμα ποιῆσαι καὶ τοῖς ἄλλοις
καὶ τοῖς τούτου φίλοις, οἳ τὰ μὲν προσταττόμενα
ποιεῖν οὐκ ἐθέλουσι, τοιούτων δ' ἔργων ἐπιθυμοῦσι,

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[1] διακείμενοι . . . πολιτευόμενοι mss.: transp. Bekker.

[2] ᾔσθησθε Dobree: εἴσεσθε mss.

And you should ask yourselves, gentlemen, what reason you could have for sparing such men as these. Is it because, unfortunate though their public career has been, they are otherwise orderly persons, who have lived sober lives ? Have not most of them been prostitutes, while some have lain with their sisters, and others have had children by their daughters ; others, again, have performed Mysteries, mutilated the Hermae, and committed profanity against all the gods and offences against the whole city, showing injustice and illegality alike in their public treatment of their fellow-men and in their behaviour to each other, refraining from no audacity, and unversed in no outrageous practice ? Indeed, there is nothing that they have been spared, or have spared. For their propensity is to be ashamed of what is honourable, and to glory in what is base. It is true, gentlemen, you have acquitted ere now some persons though you held them guilty, because you supposed that they would be useful to you in the future. Well, what hope is there that the city will derive any benefit from this man, whom you will know for the worthless wretch he is, when he makes his defence, and whose villainy you have learnt from the general tenor of his life ? But, what is more, even if he left the city he could do you no harm, craven and pauper that he is, with no ability for business, at feud with his own folk and hated by everyone else. So neither is there any reason here to be heedful of him : far rather should you make him serve as an example for all people, and particularly his friends, who refuse to do what is enjoined on them, who aspire to

καὶ περὶ τῶν σφετέρων αὐτῶν κακῶς βουλευσάμενοι περὶ τῶν ὑμετέρων δημηγοροῦσιν.

46 Ἐγὼ μὲν οὖν ὡς ἐδυνάμην ἄριστα κατηγόρηκα, ἐπίσταμαι δ᾽ ὅτι οἱ μὲν ἄλλοι τῶν ἀκροωμένων θαυμάζουσιν, ὅπως ποθ᾽ οὕτως ἀκριβῶς ἐδυνήθην ἐξευρεῖν τὰ τούτων ἁμαρτήματα, οὗτος δέ μου καταγελᾷ, ὅτι οὐδὲ πολλοστὸν μέρος εἴρηκα τῶν
47 τούτοις ὑπαρχόντων κακῶν. ὑμεῖς οὖν καὶ τὰ εἰρημένα καὶ τὰ παραλελειμμένα ἀναλογισάμενοι πολὺ μᾶλλον αὐτοῦ καταψηφίσασθε, ἐνθυμηθέντες ὅτι ἔνοχος μέν ἐστι τῇ γραφῇ, μεγάλη δ᾽ εὐτυχία τὸ τοιούτων πολιτῶν ἀπαλλαγῆναι ‹τῇ›[1] πόλει. ἀνάγνωθι δ᾽ αὐτοῖς τοὺς νόμους καὶ τοὺς ὅρκους καὶ τὴν γραφήν· καὶ τούτων μεμνημένοι ψηφιοῦνται τὰ δίκαια.

ΝΟΜΟΙ. ΟΡΚΟΙ. ΓΡΑΦΗ.

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[1] τῇ add. Markland.

similar conduct, and who, misguided in their own concerns, harangue you upon yours.

Now, I have made my accusation to the best of my ability. I am well aware that the rest of my hearers are wondering how I could have discovered the offences of these men with such precision, yet the accused is deriding me for having told but the smallest fraction of the crimes that lie at their door. You have therefore to reckon in with what has been told the tale of what has been omitted, and to be all the more for condemning him; you must reflect that he is liable to the charge preferred, and that it is a great blessing to the State that it should be relieved of this sort of citizen. Read them[a] the laws, the oaths and the charge preferred: bearing these in mind, they will vote what is just.

LAWS: OATHS: CHARGE.

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[a] *i.e.*, the jurors.

XV. ΚΑΤΑ ΑΛΚΙΒΙΑΔΟΥ ΑΣΤΡΑΤΕΙΑΣ

1 Ἐγὼ μέν, ὦ ἄνδρες δικασταί, καὶ ὑμᾶς αἰτοῦμαι
τὰ δίκαια ψηφίσασθαι, καὶ τῶν στρατηγῶν δέομαι,
ἐπεὶ καὶ ἐν τῇ ἄλλῃ ἀρχῇ πολλοῦ ἄξιοι τῇ πόλει γεγόνασι,
καὶ τῶν τῆς ἀστρατείας γραφῶν κοινοὺς
εἶναι τῷ τε διώκοντι καὶ τῷ φεύγοντι, καὶ μὴ βοηθοῦντας
ᾧ ἂν βούλωνται πᾶσαν προθυμίαν ἔχειν
2 παρὰ τὸ δίκαιον ὑμᾶς ψηφίσασθαι, ἐνθυμουμένους
ὅτι σφόδρ᾽ ἂν ἠγανακτεῖτε, εἰ <ἐν>[1] τῇ ὑμετέρᾳ
δοκιμασίᾳ οἱ θεσμοθέται ἀναβάντες ὑμῶν ἐδέοντο
καταψηφίσασθαι, ἡγούμενοι δεινὸν εἶναι εἰ οἱ
τιθέντες τὸν ἀγῶνα καὶ τὴν ψῆφον διδόντες[2] παρακελεύσονται
τῶν μὲν μὴ <καταψηφίζεσθαι τῶν δὲ>[3]
3 καταψηφίζεσθαι. τί δ᾽ ἂν αἴσχιον ἔθος ἢ δεινότερον
πρᾶγμα τούτου <ἐν>[4] τῇ πόλει γένοιτο, εἰ
τολμήσει ὁ μὲν ἄρχων ἐν ταῖς[5] τῶν ἐπικλήρων
δίκαις ἀντιβολεῖν καὶ ἱκετεύειν τοὺς δικαστὰς ὅ τι
ἂν βούληται πραχθῆναι, ὁ δὲ πολέμαρχος καὶ οἱ
ἕνδεκα δεήσονται ἐν ταῖς δίκαις ταῖς ὑφ᾽ ἑαυτῶν
4 εἰσαγομέναις, ὥσπερ καὶ νῦν; χρὴ τοίνυν καὶ
ὑπὲρ ὑμῶν αὐτῶν τὴν αὐτὴν γνώμην ἔχειν, ἐν-

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[1] ἐν add. Reiske.
[2] διδόντες Taylor: διαδιδόντες MSS.
[3] καταψηφίζεσθαι τῶν δὲ add. Baiter et Sauppe.
[4] ἐν add. Frohberger.
[5] ἐν ταῖς Reiske: ἐμβὰς MSS.

XV. AGAINST ALCIBIADES: FOR REFUSAL OF MILITARY SERVICE

I NOT only request you, gentlemen of the jury, to vote what is just, but I beg the generals, as they have in all else used their authority to the great advantage of the State, to be impartial also in suits for evasion of military duty, treating prosecutor and defendant alike; and not to be so intent on supporting some favourite of their own as to make every endeavour that your vote shall be given against justice. Reflect how deeply aggrieved you[a] would be if during your scrutiny the recorders should mount the daïs to request that the vote should go against you: it would strike you as monstrous that those who ordered the suit and put the question should recommend that votes be given against some men, and not given against others. What custom could be more shameful, what proceeding more monstrous, in our city than to have the magistrate making bold, in suits concerning heiresses, to implore and beseech the judges that the matter be settled as he may prefer, or to have the war-archon and the Eleven making requests, in the suits authorized by themselves, like that in the present case? You ought, therefore, to have just the same feeling in regard to yourselves;

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[a] The speaker now addresses the generals, who had to submit to a scrutiny on their appointment.

θυμουμένους ὅτι οὐδὲν διοίσει[1] ὑμᾶς ἰδίᾳ περὶ τῆς
ἀστρατείας βοηθεῖν, ἢ τούτων τινὰς δεῖσθαι αὐτοὺς
5 τὴν ψῆφον διδόντας. σκέψασθε δέ, ὦ ἄνδρες δικασταί,
ἐὰν ἱκανὸν γένηται τεκμήριον ὅτι οὐδείς πω
τῶν ἀρχόντων ἐν τῷ στρατοπέδῳ Ἀλκιβιάδῃ ἦν
παρεσκευασμένος. ἐχρῆν γὰρ αὐτούς, εἴπερ ἀληθῆ
λέγουσιν, ἀνακαλεῖν μὲν Πάμφιλον, ὅτι ἀφαιρῶν
τὸν ἵππον ἱππέως ἀπεστέρει τὴν πόλιν, ἐπιβάλλειν
δὲ τῷ φυλάρχῳ, ὅτι ἐξελαύνων Ἀλκιβιάδην ἐκ τῆς
φυλῆς ἄκυρον ἐποίει τὴν τούτων τάξιν, κελεύειν δὲ
τὸν ταξίαρχον ἐξαλείφειν αὐτὸν ἐκ τοῦ τῶν ὁπλιτῶν
6 καταλόγου. νῦν δὲ τούτων οὐδὲν ἐποίησαν, ἀλλ'
ἐν μὲν τῷ στρατοπέδῳ περιεώρων αὐτὸν ὑπὸ πάντων
προπηλακιζόμενον κἂν τοῖς ἱπποτοξόταις ἱππεύοντα,
ἐπειδὴ δὲ ὑμᾶς δεῖ παρὰ τῶν ἀδικούντων
δίκην λαμβάνειν, χαριζόμενοι μαρτυροῦσιν ὑφ'
ἑαυτῶν αὐτὸν τετάχθαι. καίτοι δεινόν, ὦ ἄνδρες
δικασταί, αὐτοὺς μὲν τοὺς στρατηγοὺς ὑπὸ τοῦ
δήμου χειροτονηθέντας μὴ ἂν τολμῆσαι πρότερον
ἡμῶν ἡγήσασθαι, ἕως [ἂν][2] ἐδοκιμάσθησαν κατὰ
τοὺς νόμους, Ἀλκιβιάδην δὲ τολμᾶν παρὰ τοὺς τῆς
7 πόλεως νόμους ὑπ' αὐτῶν ταχθῆναι. δεινὸν δέ μοι
[145] δοκεῖ εἶναι, ὦ ἄνδρες δικασταί, εἰ τῶν μὲν δεδοκιμασμένων
ἱππέων οὐκ ἐπὶ τούτοις ἐστὶν ὅντινα
βούλονται αὐτοὶ εἰς τοὺς ὁπλίτας καταλέξαι, τῶν
δὲ ὁπλιτῶν ἀδοκιμάστων ὄντων ἐπὶ τούτοις ἔσται
8 ὅντιν' ἂν βούλωνται ἱππεύειν. εἰ μὲν τοίνυν, ὦ

[1] διοίσει Bekker: δεήσει MSS.

[2] ἂν del. Dobree.

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[a] The six junior archons had charge of the text of the laws and the general supervision of the law-courts and certain classes of trials.

[b] *i.e.*, that they enrolled Alcibiades in the cavalry, as being favourably disposed to him.

you should reflect that to give your support from personal motives to a man accused of evading military service will be exactly the same as if some of these officers[a] should put in a request while they are actually putting the question. And consider, gentlemen, if you have not found sufficient proof that none of the commanders in the army up to that time was a supporter of Alcibiades. For if their statement[b] is true, they ought to have cited Pamphilus[c] for depriving the city of a horseman by taking away his horse; to have mulcted the squadron-commander for expelling Alcibiades from the squadron to the confusion of the order they had settled; and to have instructed the commander to erase his name from the roll of the infantry. But in fact they did nothing of the sort: while he was in the army, they suffered him to be grossly insulted by all, and left to serve among the mounted archers[d]; but now that you have to do justice upon the guilty, they obligingly testify that he has taken that rank by their orders. But I say it is monstrous, gentlemen, that although the generals themselves, who have been duly elected by the people, would not dare to take command of us before they had passed their scrutiny in compliance with the laws, Alcibiades should dare to take his rank from them in violation of the laws of our city. And it is monstrous also, in my opinion, gentlemen, that whereas it is not in their power to take a man at their own pleasure from the cavalrymen who have passed scrutiny, and enrol him in the infantry, it should be in their power to pass a man at their pleasure from the infantry into the cavalry without

[c] Pamphilus was probably a cavalry commander.
[d] Light troops of inferior quality, used for skirmishing.

ἄνδρες δικασταί, ὄντες κύριοι πολλῶν βουλομένων
μηδένα τῶν ἄλλων ἱππεύειν εἴασαν, οὐκ ἂν δικαίως
χαρίζοισθε αὐτοῖς· εἰ δ' ἄκυροι ὄντες ὁμολογήσουσι
τάξαι, ἐνθυμεῖσθαι χρὴ ὅτι ὀμωμόκατε τὰ δίκαια
γνώσεσθαι, ἀλλ' οὐχ ὅ τι ἂν οὗτοι κελεύωσι ψηφιεῖσθαι,
ὥστε οὐδένα χρὴ τῶν δεομένων περὶ πλείονος
9 ὑμῶν αὐτῶν καὶ τῶν ὅρκων ποιεῖσθαι. καὶ
μὲν δή, ὦ ἄνδρες δικασταί, εἴ τῳ δοκεῖ μεγάλη ἡ
ζημία[1] εἶναι καὶ λίαν ἰσχυρὸς ὁ νόμος, μεμνῆσθαι
χρὴ ὅτι οὐ νομοθετήσοντες περὶ αὐτῶν ἥκετε, ἀλλὰ
κατὰ τοὺς κειμένους νόμους ψηφιούμενοι, οὐδὲ
τοὺς ἀδικοῦντας ἐλεήσοντες, ἀλλὰ πολὺ μᾶλλον
αὐτοῖς ὀργιούμενοι καὶ ὅλῃ τῇ πόλει βοηθήσοντες,
εὖ εἰδότες ὅτι ὑπὲρ τῶν παρεληλυθότων ὀλίγους
τιμωρησάμενοι πολλοὺς ποιήσετε κοσμιωτέρους
10 ἐν τοῖς μέλλουσι κινδυνεύειν. χρὴ δέ, ὦ ἄνδρες
δικασταί, ὥσπερ οὗτος ἀμελήσας τῆς πόλεως τὴν
αὐτοῦ σωτηρίαν ἐσκέψατο, οὕτως ὑμᾶς ἀμελήσαντας
τούτου τῇ πόλει τὰ βέλτιστα ψηφίσασθαι,
ἄλλως τε καὶ ὅρκους ὀμωμοκότας καὶ περὶ Ἀλκιβιάδου
μέλλοντας ψηφίσασθαι, ὃς ἐὰν ὑμᾶς ἐξαπατήσῃ,
καταγελῶν τῆς πόλεως ἄπεισιν· οὐ γὰρ
δὴ χάριν γε ὑμῖν ἀποδώσει τῇ ψήφῳ κρύβδην εὖ
παθών, ὃς τῶν φίλων τοὺς φανερῶς αὐτὸν εὖ
11 ποιήσαντας κακῶς ποιεῖ. ὑμεῖς οὖν, ὦ ἄνδρες
δικασταί, τὰς τούτων δεήσεις περὶ ἐλάττονος[2]
<τῶν νόμων>[3] ποιησάμενοι τὰ δίκαια ψηφίσασθε.
ἀποδέδεικται δὲ καταλεγεὶς εἰς τοὺς ὁπλίτας καὶ
λιπὼν τὴν τάξιν καὶ τῶν νόμων κωλυόντων ἀδοκι-

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[1] *μεγάλη ἡ ζημία* Reiske: *μεγάλης ζημίας* mss.

[2] *ἐλάττονος* Markland: *ἐλαττόνων* mss.

[3] *τῶν νόμων* add. P. Müller.

scrutiny. Now, gentlemen, if they were entitled so to act, and allowed none of the many others who so desired to serve in the cavalry, you would not be justified in obliging them; but if they admit that they were not entitled to rank him as they have done, you should reflect that you have sworn to decide according to justice, and not to vote in compliance with these men; and so you ought not to have more regard for any of these suitors than for yourselves and your oaths. Moreover, gentlemen, if any of you thinks the penalty a heavy one and the law too severe, he should remember that you have come here, not to legislate on these affairs, but to vote in accordance with the established laws; not to pity the guilty, but much rather to be angry with them and to be protectors of the whole State. For you know well that by punishing a few for what has been done in the past you will improve the discipline of many among those who have to face danger in the future. And, gentlemen, just as this person has disregarded the State to provide for his own safety, so you should disregard him in voting what is best for the State; especially since you have sworn oaths and have to vote on Alcibiades, who, if he is able to deceive you, will go away mocking at the city. For he will show you no gratitude for the benefit covertly gained from your vote, since he repays with injury the open assistance of any of his friends. You therefore, gentlemen, must have less regard for the requests of these persons than for the laws, and give the vote that is just. It has been proved that he was enrolled in the infantry, that he deserted the ranks, that despite the prohibition of the laws he served in the

μαστος ἱππεύσας, καὶ περὶ ὧν οἱ νόμοι διαρρήδην οὔτε στρατηγὸν οὔτε ἵππαρχον οὔτε ἄλλον οὐδένα κυριώτερον ἐκείνων ἀποδεικνύουσι, περὶ τούτων
12 ἰδιώτης ὢν τὴν ἐξουσίαν αὑτῷ δεδωκώς. ἐγὼ μὲν οὖν καὶ φίλῳ ὄντι Ἀρχεστρατίδῃ βοηθῶν, καὶ Ἀλκιβιάδην ἐχθρὸν ὄντα ἐμαυτοῦ τιμωρούμενος, δέομαι τὰ δίκαια ψηφίσασθαι· ὑμᾶς δὲ χρὴ τὴν αὐτὴν γνώμην ἔχοντας τὴν ψῆφον φέρειν, ἥνπερ ὅτε ᾤεσθε πρὸς τοὺς πολεμίους διακινδυνεύσειν.

cavalry without passing the scrutiny, and that in respect of matters in which the laws expressly declare that neither general nor brigadier nor anyone else can override their authority he, a private person, has given himself a free hand. Now I, as seeking to support my friend Archestratides, and to punish my own enemy Alcibiades, request you to give the vote that is just. You should have the same feelings in recording that vote as when you were expecting your supreme ordeal in face of the enemy.

XVI. BEFORE THE COUNCIL: IN DEFENCE OF MANTITHEUS AT HIS SCRUTINY

INTRODUCTION

This short speech is admirably adapted to the character of a young, gallant and ingenuous man who appears to have been elected a member of the Council, but who has to pass the usual public scrutiny before he can take his seat. At this inquiry he has been accused of service in the cavalry during the reign of the Thirty oligarchs in 404–403 B.C.; and, although some persons who have thus served have been allowed to take their seats on the Council, the feeling of the restored democracy against anyone who can be shown to have actively supported the oligarchs is sufficiently bitter to jeopardize his case. Apparently the general amnesty which was arranged after the return of the democrats does not apply: each case is tried on its own merits; and it must be remembered that the knights, or cavalrymen, were always noted for their aristocratic or oligarchic sympathies, and that their active support of the Thirty had made them particularly odious to the democracy.

On the point of fact, Mantitheus states that he was not in the cavalry or in Athens at all during the reign of the Thirty, except for a few days before they were driven out by the victorious democrats. To the charge that his name is on the roll of cavalrymen he replies that this record is quite worthless for such a purpose : names are frequently added or removed at anybody's pleasure. More significant by far is the list of those cavalrymen who are required to return to the Treasury the allowances made to them for their equipment : this list, drawn up regularly by the tribal officers, nowhere shows his name.

Not content with this disproof of the specific charge brought against him, Mantitheus proceeds to give a general account of his life and conduct. He shows a confident pride in his private behaviour, his military career and his political ambitions. For the last of these he gaily affects to apologize, but only to remind his hearers of the Athenians' affection for those who evince a proper public spirit. The very abruptness with which he ends his speech is in keeping with his bluff, inapprehensive personality. The occasion of the scrutiny was probably some two or three years after the battle of Coronea (394 B.C.) and before the death of Thrasybulus (389 B.C.), to whom a reference appears to be made in the contemptuous remark on " the fine fellow of Steiria " (§ 15).

XVI. ΕΝ ΒΟΥΛΗΙ ΜΑΝΤΙΘΕΩΙ ΔΟΚΙΜΑΖΟΜΕΝΩΙ ΑΠΟΛΟΓΙΑ

1 Εἰ μὴ συνῄδη, ὦ βουλή, τοῖς κατηγόροις βουλομένοις
ἐκ παντὸς τρόπου κακῶς ἐμὲ ποιεῖν, πολλὴν
ἂν αὐτοῖς χάριν εἶχον ταύτης τῆς κατηγορίας·
ἡγοῦμαι γὰρ τοῖς ἀδίκως διαβεβλημένοις τούτους
εἶναι μεγίστων ἀγαθῶν αἰτίους, οἵτινες ἂν αὐτοὺς
ἀναγκάζωσιν εἰς ἔλεγχον τῶν αὐτοῖς βεβιωμένων
2 καταστῆναι. ἐγὼ γὰρ οὕτω σφόδρα ἐμαυτῷ πιστεύω,
ὥστ' ἐλπίζω καὶ εἴ τις πρός με τυγχάνει
ἀηδῶς [ἢ κακῶς][1] διακείμενος, ἐπειδὰν ἐμοῦ λέγοντος
ἀκούσῃ περὶ τῶν πεπραγμένων, μεταμελήσειν
αὐτῷ καὶ πολὺ βελτίω με εἰς τὸν λοιπὸν χρόνον
3 ἡγήσεσθαι. ἀξιῶ δέ, ὦ βουλή, ἐὰν μὲν τοῦτο
μόνον ὑμῖν ἐπιδείξω, ὡς εὔνους εἰμὶ τοῖς καθεστηκόσι
πράγμασι καὶ ὡς ἠνάγκασμαι τῶν αὐτῶν
κινδύνων μετέχειν ὑμῖν, μηδέν πώ μοι πλέον εἶναι·
ἐὰν δὲ φαίνωμαι <καὶ>[2] περὶ τὰ ἄλλα μετρίως
βεβιωκὼς καὶ πολὺ παρὰ τὴν δόξαν καὶ παρὰ τοὺς
λόγους τοὺς τῶν ἐχθρῶν, δέομαι ὑμῶν ἐμὲ μὲν
δοκιμάζειν, τούτους δὲ ἡγεῖσθαι χείρους εἶναι.
πρῶτον δὲ ἀποδείξω ὡς οὐχ ἵππευον οὐδ' ἐπεδήμουν
ἐπὶ τῶν τριάκοντα, οὐδὲ μετέσχον τῆς
τότε πολιτείας.

4 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ

XVI. BEFORE THE COUNCIL: IN DEFENCE OF MANTITHEUS AT HIS SCRUTINY

If I were not conscious, gentlemen of the Council, that my accusers are seeking every possible means of injuring me, I should feel most grateful to them for this accusation; since I consider that the victims of unjust slander have the greatest service rendered to them by anyone who will compel them to undergo an examination of the record of their lives. For I have so strong a confidence in myself that, if there is anyone who is inclined to dislike me, I hope that when he has heard me speak of my conduct in the past he will change his mind, and will think much better of me in the future. Now, gentlemen, I make no claim to special merit, if I merely make plain to you that I am a supporter of the existing constitution and have been compelled to take my own share in your dangers: but if I am found to have lived, in all other respects, a regular life, quite contrary to the opinion and statements of my enemies, I request you to pass me through and to think the worse of these persons. I will begin by showing that I did not serve in the cavalry or reside here under the Thirty, and that I had no hand in the government of that time.

Our father, before the disaster at the Hellespont,[a]

[a] At Aegospotami, 405 B.C.

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[1] ἢ κακῶς del. Reiske.

[2] καὶ add. Reiske.

συμφορᾶς ὡς Σάτυρον τὸν ἐν τῷ Πόντῳ διαιτησομένους
[146] ἐξέπεμψε, καὶ οὔτε τῶν τειχῶν καθαιρουμένων
<ἐπεδημοῦμεν>[1] οὔτε μεθισταμένης
τῆς πολιτείας, ἀλλ' ἤλθομεν πρὶν τοὺς ἀπὸ Φυλῆς
εἰς τὸν Πειραιᾶ κατελθεῖν πρότερον πένθ' ἡμέραις.
5 καίτοι οὔτε ἡμᾶς εἰκὸς ἦν εἰς τοιοῦτον καιρὸν
ἀφιγμένους ἐπιθυμεῖν μετέχειν τῶν ἀλλοτρίων
κινδύνων, οὔτ' ἐκεῖνοι φαίνονται τοιαύτην γνώμην
ἔχοντες ὥστε καὶ τοῖς ἀποδημοῦσι καὶ τοῖς μηδὲν
ἐξαμαρτάνουσι μεταδιδόναι τῆς πολιτείας, ἀλλὰ
μᾶλλον ἠτίμαζον καὶ τοὺς συγκαταλύσαντας τὸν
6 δῆμον. ἔπειτα δὲ ἐκ μὲν τοῦ σανιδίου τοὺς
ἱππεύσαντας σκοπεῖν εὔηθές ἐστιν. ἐν τούτῳ
γὰρ πολλοὶ μὲν τῶν ὁμολογούντων ἱππεύειν οὐκ
ἔνεισιν, ἔνιοι δὲ τῶν ἀποδημούντων ἐγγεγραμμένοι
εἰσίν. ἐκεῖνος δ' ἐστὶν ἔλεγχος μέγιστος·
ἐπειδὴ γὰρ κατήλθετε, ἐψηφίσασθε τοὺς φυλάρχους
ἀπενεγκεῖν τοὺς ἱππεύσαντας, ἵνα τὰς καταστάσεις
7 ἀναπράξητε παρ' αὐτῶν. ἐμὲ τοίνυν
οὐδεὶς ἂν ἀποδείξειεν οὔτ' ἀπενεχθέντα ὑπὸ τῶν
φυλάρχων οὔτε παραδοθέντα τοῖς συνδίκοις οὔτε
κατάστασιν καταβαλόντα.[2] καίτοι πᾶσι ῥᾴδιον
τοῦτο γνῶναι, ὅτι[3] ἀναγκαῖον ἦν τοῖς φυλάρχοις, εἰ
μὴ ἀποδείξειαν τοὺς ἔχοντας τὰς καταστάσεις,
αὐτοῖς ζημιοῦσθαι. ὥστε πολὺ ἂν δικαιότερον
ἐκείνοις τοῖς γράμμασιν ἢ τούτοις πιστεύοιτε· ἐκ
μὲν γὰρ τούτων ῥᾴδιον ἦν ἐξαλειφθῆναι τῷ βουλο-

[1] ἐπεδημοῦμεν add. Kayser.

[2] καταβαλόντα Bake: παραλαβόντα MSS.

[3] ὅτι Kayser: διότι MSS.

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[a] At Panticapaeum in the east corner of the Tauric Chersonese (Crimea), capital of the Kingdom of Bosphorus, which exported corn to Athens.

had sent us abroad to live at the court of Satyrus, on the Pontus [a]; we were not residing in Athens either when the walls were being demolished or when the constitution was being changed [b]; we came here five days before the people at Phyle returned to the Peiraeus.[c] Surely it was not to be expected that, having arrived at such a moment, we should want to share in dangers that concerned others; while obviously the Thirty were in no mind to share the government with men who were residing abroad and were guilty of no crime: they were rather disfranchising even the men who had helped them to overthrow the democracy. Moreover, to refer to the register for those who served in the cavalry is puerile: for it does not include many of those who admit that they served, while some who were absent abroad are on the list. But the strongest proof lies in the fact that, after you had returned, you voted that the tribal officers should make out a list of those who had served in the cavalry, so that you might recover the allowances [d] from them. Well, nobody will be able to show that I was either put on the list by the tribal officers or reported to the Revenue Commission or made to refund an allowance: yet it is within the knowledge of all that the tribal officers were under the necessity, if they failed to show who had the allowances, of bearing the loss themselves. Hence you would be far more justified in relying on these lists than on the register: for anyone who wished could easily have his name erased from the latter; but in the former

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[b] In the spring of 404 B.C.

[c] In May, 403 B.C.

[d] Granted by the State for the provision of equipment. The argument is that this return is more satisfactory evidence for ascertaining who served and who did not.

μένῳ, ἐν ἐκείνοις δὲ τοὺς ἱππεύσαντας ἀναγκαῖον 8 ἦν ὑπὸ τῶν φυλάρχων ἀπενεχθῆναι. ἔτι δέ, ὦ βουλή, εἴπερ ἵππευσα, οὐκ ἂν ἦ ἔξαρνος ὡς δεινόν τι πεποιηκώς, ἀλλ' ἠξίουν, ἀποδείξας ὡς οὐδεὶς ὑπ' ἐμοῦ τῶν πολιτῶν κακῶς πέπονθε, δοκιμάζεσθαι. ὁρῶ δὲ καὶ ὑμᾶς ταύτῃ τῇ γνώμῃ χρωμένους, καὶ πολλοὺς μὲν τῶν τότε ἱππευσάντων βουλεύοντας, πολλοὺς δ' αὐτῶν στρατηγοὺς καὶ ἱππάρχους κεχειροτονημένους. ὥστε μηδὲν δι' ἄλλο με[1] ἡγεῖσθε ταύτην ποιεῖσθαι τὴν ἀπολογίαν, ἢ ὅτι περιφανῶς ἐτόλμησάν μου καταψεύσασθαι. ἀνάβηθι δέ μοι καὶ μαρτύρησον.

ΜΑΡΤΥΡΙΑ

9 Περὶ μὲν τοίνυν αὐτῆς[2] τῆς αἰτίας οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· δοκεῖ δέ μοι, ὦ βουλή, ἐν μὲν τοῖς ἄλλοις ἀγῶσι περὶ αὐτῶν μόνων τῶν κατηγορημένων προσήκειν ἀπολογεῖσθαι, ἐν δὲ ταῖς δοκιμασίαις δίκαιον εἶναι παντὸς τοῦ βίου λόγον διδόναι. δέομαι οὖν ὑμῶν μετ' εὐνοίας ἀκροάσασθαί μου. ποιήσομαι δὲ τὴν ἀπολογίαν ὡς ἂν δύνωμαι διὰ βραχυτάτων.

10 Ἐγὼ γὰρ πρῶτον μέν, οὐσίας μοι οὐ πολλῆς καταλειφθείσης διὰ τὰς συμφορὰς καὶ τὰς τοῦ πατρὸς καὶ τὰς τῆς πόλεως, δύο μὲν ἀδελφὰς ἐξέδωκα ἐπιδοὺς τριάκοντα μνᾶς ἑκατέρᾳ, πρὸς τὸν ἀδελφὸν δ' οὕτως ἐνειμάμην ὥστ' ἐκεῖνον πλέον ὁμολογεῖν ἔχειν ἐμοῦ τῶν πατρῴων, καὶ πρὸς τοὺς ἄλλους ἅπαντας οὕτως βεβίωκα ὥστε μηδεπώποτέ μοι μηδὲ πρὸς ἕνα μηδὲν ἔγκλημα

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[1] ὥστε μηδὲν δι' ἄλλο με Taylor: ὥστ' εἰ μηδὲν διαβάλλομαι MSS.

the tribal officers were obliged to record those who had served. Besides, gentlemen, if I had served, I should not deny it as though I had done something monstrous: I should merely claim, after showing that no citizen had suffered injury by my act, to pass the scrutiny. And I see that you also take this view, and that many of those who served then in the cavalry are on the Council, while many others have been elected generals and brigadiers. You must therefore conclude that my only reason for making this defence is that they have dared thus openly to attack me with a falsehood. Mount the daïs, please, and bear witness.

TESTIMONY

Now, as regards the charge itself, I do not see what more there is to say. But it seems to me, gentlemen, that although in other trials one ought to confine one's defence to the actual points of the accusation, in the case of scrutinies one has a right to render an account of one's whole life. I request you, therefore, to give me a favourable hearing: I will make my defence as briefly as I can.

In the first place, although but little property had been bequeathed to me, owing to the disasters that had befallen both my father and the city, I bestowed two sisters in marriage, with a dowry of thirty minae apiece; to my brother I allowed such a portion as made him acknowledge that he had got a larger share of our patrimony than I had; and towards everyone else my behaviour has been such that never to this day has a single person shown any grievance

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[2] αὐτῆς Frohberger: ταύτης MSS.

11 γενέσθαι. καὶ τὰ μὲν ἴδια οὕτως διῴκηκα· περὶ
δὲ τῶν κοινῶν μοι μέγιστον ἡγοῦμαι τεκμήριον
εἶναι τῆς ἐμῆς ἐπιεικείας, ὅτι τῶν νεωτέρων ὅσοι
περὶ κύβους ἢ πότους ἢ [περὶ][1] τὰς τοιαύτας ἀκολασίας
τυγχάνουσι τὰς διατριβὰς ποιούμενοι, πάντας
αὐτοὺς ὄψεσθέ μοι διαφόρους ὄντας, καὶ πλεῖστα
τούτους περὶ ἐμοῦ λογοποιοῦντας καὶ ψευδομένους.
καίτοι δῆλον ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ
12 ἂν τοιαύτην γνώμην εἶχον περὶ ἐμοῦ. ἔτι δ', ὦ
βουλή, οὐδεὶς ἂν ἀποδεῖξαι περὶ ἐμοῦ δύναιτο οὔτε
δίκην αἰσχρὰν οὔτε γραφὴν οὔτε εἰσαγγελίαν
γεγενημένην· καίτοι ἑτέρους ὁρᾶτε πολλάκις εἰς
τοιούτους ἀγῶνας καθεστηκότας. πρὸς τοίνυν
τὰς στρατείας καὶ τοὺς κινδύνους τοὺς πρὸς τοὺς
πολεμίους σκέψασθε οἷον ἐμαυτὸν παρέχω τῇ
13 πόλει. πρῶτον μὲν γάρ, ὅτε τὴν συμμαχίαν
ἐποιήσασθε πρὸς [τοὺς][2] Βοιωτοὺς καὶ εἰς Ἁλίαρτον
ἔδει βοηθεῖν, ὑπὸ Ὀρθοβούλου κατειλεγμένος
ἱππεύειν, ἐπειδὴ πάντας ἑώρων τοῖς μὲν ἱππεύουσιν
ἀσφάλειαν εἶναι δεῖν νομίζοντας, τοῖς δ' ὁπλίταις
κίνδυνον ἡγουμένους, ἑτέρων ἀναβάντων ἐπὶ τοὺς
[147] ἵππους ἀδοκιμάστων παρὰ τὸν νόμον ἐγὼ προσελθὼν
ἔφην τῷ Ὀρθοβούλῳ ἐξαλεῖψαί με ἐκ τοῦ
καταλόγου, ἡγούμενος αἰσχρὸν εἶναι τοῦ πλήθους
μέλλοντος κινδυνεύειν ἄδειαν ἐμαυτῷ παρασκευάσαντα
στρατεύεσθαι. καί μοι ἀνάβηθι, Ὀρθόβουλε.

ΜΑΡΤΥΡΙΑ

14 Συλλεγέντων τοίνυν τῶν δημοτῶν πρὸ τῆς
ἐξόδου, εἰδὼς αὐτῶν ἐνίους πολίτας μὲν χρηστοὺς

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[1] περὶ del. Fuhr.

[2] τοὺς del. Pertz.

against me. So much for the tenor of my private life: with regard to public matters, I hold that the strongest proof I can give of my decorous conduct is the fact that all the younger set who are found to take their diversion in dice or drink or the like dissipations are, as you will observe, at feud with me, and are most prolific in lying tales about me. It is obvious, surely, that if we were at one in our desires they would not regard me with such feelings. And moreover, gentlemen, nobody will be able to prove that I have ever been cited in a disgraceful private suit, or in public proceedings, or in a special impeachment; yet you see others frequently involved in such trials. Again, as regards campaigns and dangers in face of the enemy, observe how I discharge my duty to the State. First of all, when you made your alliance with the Boeotians, and we had to go to the relief of Haliartus,[a] I had been enrolled by Orthobulus for service in the cavalry: I saw that it was everyone's opinion that, whereas the cavalry were assured of safety, the infantry would have to face danger; so, while others mounted on horseback illegally, without having passed the scrutiny, I went up to Orthobulus and told him to strike me off the roll, as I thought it shameful, while the majority were to face danger, to take the field with precaution for my own security. Come forward, please, Orthobulus.

TESTIMONY

Now, when the townsmen had assembled together before their setting out, as I knew that some among

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[a] See XIV., Introduction, p. 334.

ὄντας καὶ προθύμους, ἐφοδίων δὲ ἀποροῦντας, εἶπον ὅτι χρὴ τοὺς ἔχοντας παρέχειν τὰ ἐπιτήδεια τοῖς ἀπόρως διακειμένοις. καὶ οὐ μόνον τοῦτο συνεβούλευον τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς ἔδωκα δυοῖν ἀνδροῖν τριάκοντα δραχμὰς ἑκατέρῳ, οὐχ ὡς πολλὰ κεκτημένος, ἀλλ' ἵνα παράδειγμα τοῦτο τοῖς ἄλλοις γένηται. καί μοι ἀνάβητε.

ΜΑΡΤΥΡΕΣ

15 Μετὰ ταῦτα τοίνυν, ὦ βουλή, εἰς Κόρινθον
ἐξόδου γενομένης καὶ πάντων προειδότων ὅτι
δεήσει κινδυνεύειν, ἑτέρων ἀναδυομένων ἐγὼ
διεπραξάμην ὥστε τῆς πρώτης τεταγμένος μάχεσθαι
τοῖς πολεμίοις· καὶ μάλιστα τῆς ἡμετέρας
φυλῆς δυστυχησάσης, καὶ πλείστων ἐναποθανόντων[1]
ὕστερος ἀνεχώρησα τοῦ σεμνοῦ Στειριῶς τοῦ πᾶσιν
16 ἀνθρώποις δειλίαν ὠνειδικότος. καὶ οὐ πολλαῖς
ἡμέραις ὕστερον μετὰ ταῦτα ἐν Κορίνθῳ χωρίων
ἰσχυρῶν κατειλημμένων, ὥστε τοὺς πολεμίους
μὴ δύνασθαι παριέναι,[2] Ἀγησιλάου δ' εἰς τὴν
Βοιωτίαν ἐμβαλόντος ψηφισαμένων τῶν ἀρχόντων
ἀποχωρίσαι τάξεις αἵτινες βοηθήσουσι, φοβουμένων
ἁπάντων (εἰκότως, ὦ βουλή· δεινὸν γὰρ ἦν
ἀγαπητῶς ὀλίγῳ πρότερον σεσωσμένους ἐφ' ἕτερον
κίνδυνον ἰέναι) προσελθὼν ἐγὼ τὸν ταξίαρχον
ἐκέλευον ἀκληρωτὶ τὴν ἡμετέραν τάξιν πέμπειν.
17 ὥστ' εἴ τινες ὑμῶν ὀργίζονται τοῖς τὰ μὲν τῆς
πόλεως ἀξιοῦσι πράττειν, ἐκ δὲ τῶν κινδύνων
ἀποδιδράσκουσιν, οὐκ ἂν δικαίως περὶ ἐμοῦ τὴν
γνώμην ταύτην ἔχοιεν· οὐ γὰρ μόνον τὰ προσ-

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[1] ἐναποθανόντων Markland: ἐνθανόντων mss.

[2] παριέναι Herbst: προσιέναι mss.

them, though true and ardent patriots, lacked means for expenses of service, I said that the well-to-do ought to provide what was necessary for those in needy circumstances. Not only did I recommend this to the others, but I myself gave thirty drachmae each to two men; not as being a person of great possessions, but to set a good example to the others. Come forward, please.

WITNESSES

Then after that, gentlemen, there was the expedition to Corinth[a]; and everyone knew beforehand that it must be a dangerous affair. Some were trying to shirk their duty, but I contrived to have myself posted in the front rank for our battle with the enemy. Our tribe had the worst fortune, and suffered the heaviest losses in the ranks: I retired from the field later than the fine fellow of Steiria[b] who has been reproaching everybody with cowardice. Not many days after this event some strong posts in Corinth had been occupied, to prevent the passage of the enemy: when Agesilaus had forced his way into Boeotia, the commanders decided to detach some battalions to the rescue; everyone felt afraid (with some reason, gentlemen; for it was a serious thing, when they had just previously felt the relief of getting off in safety, to face a fresh danger), but I went to the commander and urged him to dispatch our battalion without drawing lots. So if any of you are incensed against those who claim the management of the city's affairs and yet evade its dangers, you can have no right to regard me with any such feeling; for I not

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[a] 394 B.C.

[b] Probably Thrasybulus: Steiria was a township on the east coast of Attica.

ταττόμενα ἐποίουν προθύμως, ἀλλὰ καὶ κινδυνεύειν
ἐτόλμων. καὶ ταῦτ᾽ ἐποίουν οὐχ ὡς οὐ
δεινὸν ἡγούμενος εἶναι Λακεδαιμονίοις μάχεσθαι,
ἀλλ᾽ ἵνα, εἴ ποτε ἀδίκως εἰς κίνδυνον καθισταίμην,
διὰ ταῦτα βελτίων ὑφ᾽ ὑμῶν νομιζόμενος ἁπάντων
τῶν δικαίων τυγχάνοιμι. καί μοι ἀνάβητε τούτων
μάρτυρες.

ΜΑΡΤΥΡΕΣ

18 Τῶν τοίνυν ἄλλων στρατειῶν καὶ φρουρῶν οὐδεμιᾶς
ἀπελείφθην πώποτε, ἀλλὰ πάντα τὸν χρόνον
διατετέλεκα μετὰ τῶν πρώτων μὲν τὰς ἐξόδους
ποιούμενος, μετὰ τῶν τελευταίων δὲ ἀναχωρῶν.
καίτοι χρὴ τοὺς φιλοτίμως καὶ κοσμίως πολιτευομένους
ἐκ τῶν τοιούτων σκοπεῖν, ἀλλ᾽ οὐκ εἴ τις
κομᾷ,[1] διὰ τοῦτο μισεῖν· τὰ μὲν γὰρ τοιαῦτα
ἐπιτηδεύματα οὔτε τοὺς ἰδιώτας οὔτε τὸ κοινὸν
τῆς πόλεως βλάπτει, ἐκ δὲ τῶν κινδυνεύειν ἐθελόντων
πρὸς τοὺς πολεμίους ἅπαντες ὑμεῖς ὠφελεῖσθε.
19 ὥστε οὐκ ἄξιον ἀπ᾽ ὄψεως, ὦ βουλή,
οὔτε φιλεῖν οὔτε μισεῖν οὐδένα, ἀλλ᾽ ἐκ τῶν ἔργων
σκοπεῖν· πολλοὶ μὲν γὰρ μικρὸν διαλεγόμενοι καὶ
κοσμίως ἀμπεχόμενοι[2] μεγάλων κακῶν αἴτιοι γεγόνασιν,
ἕτεροι δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ
κἀγαθὰ ὑμᾶς εἰσιν εἰργασμένοι.

20 Ἤδη δέ τινων ᾐσθόμην, ὦ βουλή, καὶ διὰ ταῦτα
ἀχθομένων μοι, ὅτι νεώτερος ὢν ἐπεχείρησα
λέγειν ἐν τῷ δήμῳ. ἐγὼ δὲ τὸ μὲν πρῶτον ἠναγκάσθην
ὑπὲρ τῶν ἐμαυτοῦ πραγμάτων δημηγορῆσαι,

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[1] κομᾷ Hamaker: τολμᾷ MSS.

[2] ἀμπεχόμενοι Dobree: ἀπερχόμενοι MSS.

only carried out my orders with zeal, but I was also forward to face danger. I acted in this way, not because I did not think it a serious thing to do battle with the Lacedaemonians, but in order that, if ever I should be involved in an unjust prosecution, the better opinion that you would form of me on this account might avail to secure me the full measure of my rights. Now let the witnesses to this come forward, please.

WITNESSES

In every other campaign or outpost I have never once failed in my duty, but have adhered throughout to my rule of marching out in the first rank and retreating in the last. Surely it is by such conduct that one ought to judge who are the aspiring and orderly subjects of the State, and not to take the fact of a man's wearing his hair long[a] as a reason for hating him; for such habits as this do no harm either to private persons or to the public weal, while it is from those who are ready to face danger before the enemy that you all derive advantage. Hence it is not fair, gentlemen, to like or dislike any man because of his appearance, but rather to judge him by his actions; for many who are modest in speech and sober in dress have been the cause of grievous mischief, while others who are careless of such things have done you many a valuable service.

I have had occasion to observe, gentlemen, that some people are annoyed with me merely for attempting at too early an age to speak before the people. But, in the first place, I was compelled to speak in public to protect my own interests; and

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[a] An aristocratic fashion among the class of knights.

ἔπειτα μέντοι καὶ ἐμαυτῷ δοκῶ φιλοτιμότερον
διατεθῆναι τοῦ δέοντος, ἅμα μὲν τῶν προγόνων
ἐνθυμούμενος, ὅτι οὐδὲν πέπαυνται τὰ[1] τῆς πόλεως
21 πράττοντες, ἅμα δὲ ὑμᾶς ὁρῶν (τὰ γὰρ ἀληθῆ χρὴ
λέγειν) τοὺς τοιούτους[2] μόνους <τινὸς>[3] ἀξίους
νομίζοντας εἶναι, ὥστε ὁρῶν ὑμᾶς ταύτην τὴν
γνώμην ἔχοντας τίς οὐκ ἂν ἐπαρθείη πράττειν καὶ
λέγειν ὑπὲρ τῆς πόλεως; ἔτι δὲ τί ἂν τοῖς τοιούτοις
ἄχθοισθε; οὐ γὰρ ἕτεροι περὶ αὐτῶν κριταί
εἰσιν, ἀλλ' ὑμεῖς.

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[1] τὰ Dobree: τῶν MSS.

[2] τοὺς τοιούτους Francken: τούτους MSS.

indeed, in the second, I do feel that my tendency has been unduly enterprising: for in reflecting on my ancestors, and how they have continually taken part in the administration, I had you also in my view—I must tell you the truth—as attaching no value to any but men of that stamp. So who, on seeing you so minded, would not be stimulated to work and speak for the benefit of the State? Moreover, how could you be annoyed with such people? For it is you, and none else, who are judges of their worth.

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[3] *τινὸς* add. Dobree.

XVII. ON THE PROPERTY OF ERATON: AGAINST THE TREASURY

INTRODUCTION

This speech is the only example that we have of Lysias's skill in dealing with a disputed claim to property: it is brief and direct, relying mainly on points of fact established by witnesses and records. The speaker's grandfather lent two talents to Eraton, who died, and whose three sons, Erasiphon, Eraton and Erasistratus, inherited the debt but discontinued payment of the interest. The speaker's father then took proceedings against Erasistratus, the only one of the debtors who was living in Attica, for the whole debt, and in 401–400 B.C. he obtained a judgement awarding him the property of Erasistratus. Difficulties appear to have arisen at this point: perhaps the inheritance of the three brothers remained undivided. The speaker, after his father's death, took possession of some of Erasistratus's property at Sphettus, and tried to establish a claim to some more at Cicynna; but here he was frustrated by Erasiphon's relatives, who first demurred that the case was laid before the wrong court, and then, apparently, contrived delays when it came before the right one. What was more, the State intervened and, for some unknown reason, confiscated the whole estate as bequeathed to the three brothers, including the part of Erasistratus' property which the speaker had been holding for some time ; and he now takes proceedings against the Treasury, not for the whole, but for only a third : the case is heard before an ordinary court, presided over or assisted by the Revenue Commissioners.

Prudence, no doubt, in such a trial prompted the claimant to reduce his demand so considerably as to ask for only the property of Erasistratus which had been adjudged to his father ; but he naturally takes credit to himself for his public-spirited relinquishment of two thirds of his rightful dues to the State. Nay, the part that he claims is only worth one eighth, on his estimate, of the sum which his grandfather originally lent to the elder Eraton.

The date of the action is probably 397 B.C., about three years after the archonship of Xenaenetus (401–400 B.C.). The title here given to the speech is a substitution by Hoelscher for the obviously erroneous one in the manuscripts.

[148] XVII. ΠΕΡΙ ΤΩΝ ΕΡΑΤΩΝΟΣ ΧΡΗΜΑΤΩΝ· ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ[1]

1 Ἴσως τινὲς ὑμῶν, ὦ ἄνδρες δικασταί, διὰ τὸ βούλεσθαί με ἄξιον εἶναί τινος ἡγοῦνται καὶ εἰπεῖν ἂν μᾶλλον ἑτέρου δύνασθαι· ἐγὼ δὲ τοσούτου δέω περὶ τῶν μὴ προσηκόντων ἱκανὸς εἶναι λέγειν, ὥστε δέδοικα μή, καὶ περὶ ὧν ἀναγκαῖόν μοί ἐστι λέγειν, ἀδύνατος ὦ τὰ δέοντα εἰπεῖν. οἴομαι μὲν οὖν, ἐὰν πάντα διηγήσωμαι τὰ πεπραγμένα ἡμῖν πρὸς Ἐράτωνα καὶ τοὺς ἐκείνου παῖδας, ῥᾳδίως ἐξ αὐτῶν ὑμᾶς εὑρήσειν ἃ προσήκει σκέψασθαι περὶ ταύτης τῆς διαδικασίας. ἐξ ἀρχῆς οὖν ἀκούσατε.

2 Ἐράτων ὁ Ἐρασιφῶντος πατὴρ ἐδανείσατο παρὰ τοῦ ἐμοῦ πάππου τάλαντα δύο. ὅτι μὲν οὖν ἔλαβε τἀργύριον καὶ ὡς τοσοῦτόν γε ἐδεήθη δανείσασθαι, [καὶ][2] ὧν ἐναντίον ἐδόθη, μάρτυρας ὑμῖν παρέξομαι· ἃ δ' ἐχρήσατο αὐτῷ καὶ ὅσα ὠφελήθη, οἱ μᾶλλόν τε ἐμοῦ εἰδότες καὶ παραγεγενημένοι οἷς ἐκεῖνος ἔπραττε διηγήσονται ὑμῖν καὶ μαρτυρήσουσι. καί μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

3 Ἕως τοίνυν ὁ Ἐράτων ἔζη, τούς τε τόκους ἀπελαμβάνομεν[3] καὶ τἆλλα τὰ συγκείμενα· ἐπειδὴ δὲ

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[1] Πρὸς τὸ δημόσιον περὶ τῶν Ἐράτωνος χρημάτων Hoelscher: Δημοσίων ἀδικημάτων MSS.

[2] καὶ del. Hude.

XVII. ON THE PROPERTY OF ERATON: AGAINST THE TREASURY

Perhaps some of you, gentlemen of the jury, suppose that, since I desire to be a person of some account, I must be able to excel others in speaking: but, so far from my being competent to speak on matters that do not concern myself, I fear that, even on matters of which I am obliged to speak, I may be unable to say what is needful. I believe, however, that if I can give you the full story of our dealings with Eraton and his children, you will easily form therefrom a proper judgement on the claim now put forward. So let me tell it you from the beginning.

Eraton, father of Erasiphon, borrowed from my grandfather two talents. To show that he received this money, and that it was the amount of the loan that he requested, I will produce to you witnesses before whom the money was paid. As to the use that he made of it, and the profit that he got, those who know better than I, as having been in touch with his business, will relate and testify it to you. Please call witnesses.

Witnesses

Now as long as Eraton was alive, we duly received our interest and the terms of agreement were kept;

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[3] ἀπελαμβάνομεν Hertlein: ἀπελάμβανον ἐγὼ MSS.

ἐτελεύτησε καταλιπὼν ὑοὺς τρεῖς, Ἐρασιφῶντα καὶ Ἐράτωνα καὶ Ἐρασίστρατον, οὗτοι οὐδὲν ἔτι ἡμῖν τῶν δικαίων ἐποίουν. ἐν μὲν οὖν τῷ πολέμῳ, διότι οὐκ ἦσαν δίκαι, οὐ δυνατοὶ ἦμεν παρ' αὐτῶν ἃ ὤφειλον πράξασθαι· ἐπειδὴ δὲ εἰρήνη ἐγένετο, ὅτε περ πρῶτον αἱ ἀστικαὶ δίκαι ἐδικάζοντο, λαχὼν ὁ πατὴρ παντὸς τοῦ συμβολαίου Ἐρασιστράτῳ, ὅσπερ μόνος τῶν ἀδελφῶν ἐπεδήμει, κατεδικάσατο ἐπὶ Ξεναινέτου ἄρχοντος. μάρτυρας δὲ καὶ τούτων παρέξομαι ὑμῖν. καί μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

4 Ὅτι μὲν τὰ Ἐράτωνος δικαίως ἂν ἡμέτερα εἴη, ἐκ τούτων ῥᾴδιον εἰδέναι, ὅτι δὲ πάντα δημεύεται, ἐξ αὐτῶν ‹τῶν›[1] ἀπογραφῶν· τρεῖς γὰρ καὶ τέτταρες ἕκαστα ἀπογεγράφασι. καίτοι τοῦτό γε παντὶ εὔγνωστον, ὅτι οὐκ ἂν παρέλιπον, εἴ τι ἄλλο τῶν Ἐράτωνος οἷόν τε ἦν δημεύειν, οἱ πάντα τὰ Ἐράτωνος ἀπογράφοντες καὶ ἃ ἐγὼ[2] πολὺν ἤδη χρόνον κέκτημαι. ὡς μὲν οὖν ἡμῖν οὐδ' ἑτέρωθεν εἰσπράξασθαι οἷόν τε, ἐὰν ὑμεῖς ταῦτα
5 δημεύσητε, εὔγνωστόν μοι δοκεῖ εἶναι· ὡς δὲ τὴν ἀμφισβήτησιν ἐποιησάμην πρός τε ὑμᾶς καὶ τοὺς ἰδιώτας, ἔτι ἀκούσατε. ἕως μὲν γὰρ ἡμῖν οἱ Ἐρασιφῶντος οἰκεῖοι τούτων τῶν χρημάτων ἠμφεσβήτουν, ἅπαντα ἠξίουν ἐμὰ εἶναι, διότι ὑπὲρ ἅπαντος τοῦ χρέως ἀντιδικῶν πρὸς τὸν πατέρα ὁ Ἐρασίστρατος ἡττήθη· καὶ τὰ μὲν Σφηττοῖ ἤδη

[1] τῶν add. Reiske.

[2] καὶ ἃ ἐγὼ Reiske: καὶ λέγω, ἐγὼ δὲ mss.

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[a] The time of the struggle between the thirty oligarchs and the democracy, 404–403 B.C.

but when he died, leaving three sons—Erasiphon, Eraton and Erasistratus,—these persons ceased to give us our rightful dues. During the war,[a] of course, as there were no suits at law, we were unable to make them pay what they owed ; but when peace was made, as soon as civil suits began to be tried, my father got permission to proceed against Erasistratus for the whole debt, as he alone of the brothers was resident here, and obtained a verdict against him in the archonship of Xenaenetus.[b] I will produce to you witnesses of these facts also. Please call witnesses.

WITNESSES

That the property of Eraton should of right be ours is easily understood from these statements, but that the whole is being confiscated appears from the actual inventories ; for these have been compiled in detail by three and even four persons. Surely it is obvious to everyone that they would not have omitted any other property of Eraton's available for confiscation, when they were entering all the property of Eraton, including even the part that has belonged to me for a long time past. Well, that it is not possible for us to recover anything even from the other side, once you have confiscated this property, I consider obvious ; but now let me tell you how I have treated you,[c] as distinct from private persons, in the conduct of this dispute. As long as the relatives of Erasiphon were contesting this property, I claimed the whole as mine, because Erasistratus lost his case when he pleaded against my father's suit for the whole debt ; and for the last three years I have let out the prop-

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[b] 401–400 B.C.

[c] The jury are addressed as representing the State.

τρία ἔτη μεμίσθωκα, τῶν δὲ Κικυννοῖ καὶ τῆς
οἰκίας ἐδικαζόμην τοῖς ἔχουσι. πέρυσι μὲν οὖν
διεγράψαντό μου τὰς δίκας, ἔμποροι φάσκοντες
εἶναι· νυνὶ δὲ λαχόντος ἐν τῷ Γαμηλιῶνι μηνὶ οἱ
6 ναυτοδίκαι οὐκ ἐξεδίκασαν. ἐπειδὴ δ' ὑμῖν τὰ
Ἐρασιφῶντος δημεύειν ἔδοξεν, ἀφεὶς τῇ πόλει
τὼ δύο μέρει τὰ Ἐρασιστράτου ἀξιῶ μοι ψηφισθῆναι,
διότι ταῦτά γε ἤδη καὶ πρότερον ἐγνώκατε
ἡμέτερα εἶναι. ὡρισάμην οὖν ἐμαυτῷ τὸ τρίτον
μέρος τῆς ἐκείνων οὐσίας οὐ τὴν ἀκρίβειαν ἐπισκεψάμενος,
ἀλλὰ πολλῷ πλέον ἢ τὼ δύο μέρει
7 τῷ δημοσίῳ ὑπολιπών. ῥᾴδιον δὲ γνῶναι ἐκ τοῦ
τιμήματος τοῦ ἐπιγεγραμμένου τοῖς χρήμασιν.
ἅπαντα μὲν γὰρ πλείονος ἢ ταλάντου τετίμηνται,
ὧν δ' ἐγὼ ἀμφισβητῶ τῷ μὲν πέντε μνᾶς τῷ δὲ
χιλίας δραχμὰς ἐπεγραψάμην· καὶ εἰ πλείονος
ἄξιά ἐστιν ἢ τοσούτου, ἀποκηρυχθέντων τὸ περιττὸν
8 ἡ πόλις λήψεται. ἵνα οὖν εἰδῆτε ὅτι ταῦτα ἀληθῆ
ἐστι, μάρτυρας ὑμῖν παρέξομαι πρῶτον μὲν τοὺς
μεμισθωμένους παρ' ἐμοῦ τὸ Σφηττοῖ χωρίον,
[149] ἔπειτα τοῦ Κικυννοῖ τοὺς γείτονας, οἳ ἴσασιν ἡμᾶς
ἤδη τρία ἔτη ἀμφισβητοῦντας, ἔτι δε τούς τε
πέρυσιν ἄρξαντας, πρὸς οὓς αἱ δίκαι ἐλήχθησαν,
9 καὶ τοὺς νῦν ναυτοδίκας. ἀναγνωσθήσονται δὲ
ὑμῖν καὶ αὗται αἱ ἀπογραφαί· ἐκ τούτων γὰρ
μάλιστα γνώσεσθε ὅτι οὔτε νεωστὶ ταῦτα τὰ χρή-

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[a] A township of the tribe Acamantis in the south of Attica.

[b] As such they could only be tried before a nautical court.

[c] December-January.

[d] One at Sphettus and one at Cicynna.

[e] A talent was 6000 drachmae, and a mina 100 drachmae.

erty at Sphettus,[a] but over the property at Cicynna[a] and the house there I was at law with the occupiers. Last year, however, they got my suit quashed by alleging that they were sea-traders[b]; but at present, although I was permitted to bring proceedings in the month of Gamelion,[c] the nautical court has not decided the case. Now that you have seen fit to confiscate the property of Erasiphon, I relinquish two thirds to the State, and claim that the property of Erasistratus be adjudged to me, because it is this property that your previous decision has already made ours. So I have limited my share to one-third of their property, making no exact calculation, but leaving much more than two-thirds to the Treasury. This is easily concluded from the valuation which has been attached to the schedule of the property. For they have valued the whole at more than a talent, whereas to one of the properties for which I am suing I attached five minae, and to the other[d] a thousand drachmae[e]: if they are worth more than those amounts, the surplus after they have been sold by auction will go to the State. And to convince you of the truth of this I will produce to you, as witnesses, first the persons who rented from me the estate at Sphettus, then the neighbours of the place at Cicynna, who know that we have been contesting it for the last three years, and next the magistrates of last year, before whom the suits were authorized to be heard, and the present judges of the nautical court. You will also have these inventories read to you: for they above all will convince you that our claim to this property is no recent matter,

He asks for a value of 15 minae—one eighth of the two talents originally lent to Eraton.

ματα ἀξιοῦμεν ἡμέτερα εἶναι, οὔτε νυνὶ τῷ δημοσίῳ πλειόνων ἀμφισβητοῦμεν ἢ τῷ ἔμπροσθεν χρόνῳ τοῖς ἰδιώταις. καί μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

10 *Ὅτι μέν, ὦ ἄνδρες δικασταί, οὐ παρὰ τὸ δίκαιον ἀξιῶ μοι ψηφίσασθαι τὸ διαδίκασμα, ἀλλ' αὐτὸς τῇ πόλει πολλὰ τῶν ἐμαυτοῦ ἀφεὶς τοῦτο ἀξιῶ μοι ἀποδοθῆναι, ἀποδέδεικται. ἤδη δέ μοι δοκεῖ δίκαιον εἶναι καὶ δεηθῆναι ὑμῶν τε καὶ τῶν συνδίκων ἐναντίον ὑμῶν.*

and also that to-day we are contesting with the Treasury an amount that compares favourably with that which we formerly contested with private persons. Please call witnesses.

WITNESSES

That there is no injustice, gentlemen, in my claiming your verdict on the property in question, but rather that I have relinquished to the State a great part of my own property before claiming this restoration, has been clearly proved. And now I deem it just to lay my request before you and also before the Commissioners[a] in your presence.

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[a] Of Revenue.

XVIII. ON THE CONFISCATION OF THE PROPERTY OF THE BROTHER OF NICIAS: PERORATION

INTRODUCTION

Nicias, the Athenian general who was made immortal by the malice of fate and the genius of Thucydides, had two brothers, Eucrates and Diognetus. The former of these, like the officer Dionysodorus of whom we hear in the speech *Against Agoratus* (XIII.), was put to death by the Thirty in 404 B.C. for opposing the establishment of an oligarchy; the latter returned to Athens with the democrats in 403, but died not long afterwards. In or about the year 396, during the time of peace which preceded the Corinthian War (*cf.* 15), the two sons of Eucrates, having reached an age when they could perform the usual duties of wealthy citizens (21), had to defend themselves at law against a second attempt by a man named Poliochus to obtain a verdict for the confiscation of their patrimony—"the property of the brother of Nicias." The first attempt had been made when they were still minors, shortly after the restoration of the democracy: on this occasion their case is pleaded by the elder of the two. Perhaps the allegation was that their father had embezzled or mismanaged some public funds : we find that the Commissioners of Revenue are prominently concerned in the trial (26) ; and if the suit is successful, the sons of Eucrates stand to lose not only their inheritance, but their civic rights as well (1). We possess here only the concluding part of a speech—perhaps all that Lysias composed—in defence of the elder brother; and as the appeal throughout is to feeling rather than to reason we have but few facts on which to build our conjectures as to the precise position of the matter at issue.

The speaker first recalls the character and services of his uncles Nicias and Diognetus and his father Eucrates, and draws a pathetic picture of Diognetus bringing him and his brother and an infant grandson of Nicias to Pausanias and imploring his protection against the Thirty (1-12). He then discourses on the inconsistency of approving now the confiscation which was disallowed before, and on the disruptive influence of confiscation in the body politic ; it also wastes the resources of the people through its dissipation by the successful prosecutors (who are awarded a large share of the property confiscated), when it might be benefiting the State through the public spirit of its rightful owners (13-23). The defendants are orphans who have no one to support their plea : they claim the sympathy due to the relatives of men who have suffered in the cause of democracy, and pray that they may be saved from ruin (24-27).

XVIII. ΠΕΡΙ ΤΗΣ ΔΗΜΕΥΣΕΩΣ <ΤΩΝ>[1] ΤΟΥ ΝΙΚΙΟΥ ΑΔΕΛΦΟΥ ΕΠΙΛΟΓΟΣ

1 Ἐνθυμήθητε τοίνυν, ὦ ἄνδρες δικασταί, οἷοί[2]
τινες ὄντες πολῖται καὶ αὐτοὶ καὶ ὧν προσήκοντες
ἀδικούμενοι ἀξιοῦμεν ἐλεεῖσθαι ὑφ' ὑμῶν καὶ τῶν
δικαίων τυγχάνειν· οὐ γὰρ μόνον περὶ τῆς οὐσίας
ἀγωνιζόμεθα, ἀλλὰ καὶ περὶ τῆς πολιτείας, εἰ χρὴ
δημοκρατουμένης τῆς πολεως ἡμῖν μετεῖναι.
πρῶτον μὲν οὖν περὶ Νικίου τοῦ ἡμετέρου θείου
2 ἀναμνήσθητε. ἐκεῖνος γὰρ ὅσα μὲν τῇ ἑαυτοῦ
γνώμῃ χρώμενος ὑπὲρ τοῦ πλήθους τοῦ ὑμετέρου
ἔπραξε, πανταχοῦ φανήσεται πολλῶν μὲν καὶ[3]
ἀγαθῶν αἴτιος τῇ πόλει γεγενημένος, πλεῖστα δὲ
καὶ μέγιστα κακὰ τοὺς πολεμίους εἰργασμένος·
ὅσα δὲ οὐ βουλόμενος ἀλλ' ἄκων ἠναγκάσθη
ποιῆσαι, τῶν μὲν κακῶν οὐκ ἐλάχιστον αὐτὸς
μετέσχε μέρος, τὴν δ' αἰτίαν τῆς συμφορᾶς οἱ
3 πείσαντες ὑμᾶς δικαίως ἂν ἔχοιεν, ἐπεὶ τήν γε
πρὸς ὑμᾶς εὔνοιαν καὶ τὴν ἀρετὴν <τὴν>[4] αὐτοῦ
ἐν ταῖς εὐτυχίαις ταῖς ὑμετέραις καὶ ταῖς δυστυχίαις ταῖς τῶν ἐχθρῶν ἐπεδείξατο[5]· στρατηγῶν
γὰρ πολλὰς μὲν πόλεις εἷλε, πολλὰ δὲ καὶ καλὰ

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[1] τῶν add. Bekker.
[2] οἷοί Bekker: οἱ MSS.
[3] καὶ Galen: ἰδίᾳ MSS.
[4] τὴν add. Sauppe.
[5] ἐπεδείξατο Reiske: ἐπέδειξα, ἐπέδειξε MSS.

XVIII. ON THE CONFISCATION OF THE PROPERTY OF THE BROTHER OF NICIAS : PERORATION

Now you must reflect, gentlemen of the jury, on the character that we bear as citizens ourselves, and also on the family of which we come, when we claim your pity for the wrongs that we have suffered and an award of our rights. For we are contending, not merely for our property, but for our citizenship as well : we must know whether we are to have our portion in the democracy of our city. So first let me remind you of our uncle, Nicias : in all that he did for your common weal while using his own judgement, he will be found everywhere to have been the author of many benefits to the State, and to have inflicted a great number of grievous injuries on the enemy ; but in all that he was compelled to do, not of his own wish but against his will, he bore no slight part of the injuries himself, while the responsibility for the disaster ought in fairness to lie with those who persuaded you,[a] seeing that of his own loyalty to you and of his merit he afforded proof in your successes and your enemies' failures. For as your general, he took many cities, and many were the

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[a] The reference is to the Sicilian expedition in 415 B.C., which Nicias had opposed; *cf.* Thucydides, vi. 8 ff.

κατὰ τῶν πολεμίων ἔστησε τρόπαια, ὧν καθ' ἓν
4 ἕκαστον πολὺ ἂν ἔργον εἴη λέγειν. Εὐκράτης
τοίνυν, ἀδελφὸς μὲν ὢν ἐκείνου, πατὴρ δ' ἐμός,
ἤδη τῆς τελευταίας ναυμαχίας γεγενημένης φανερὰν ἐπεδείξατο τὴν εὔνοιαν ἣν εἶχε περὶ τὸ πλῆθος
τὸ ὑμέτερον· ἡττημένων γὰρ ἐν <τῇ>[1] ναυμαχίᾳ
στρατηγὸς ὑφ' ὑμῶν ᾑρημένος καὶ παρακαλούμενος
μετέχειν τῆς ὀλιγαρχίας ὑπὸ τῶν ἐπιβουλευόντων
5 τῷ πλήθει, οὐκ ἠθέλησεν αὐτοῖς πείθεσθαι, ἐν
τοιούτῳ καιρῷ ληφθεὶς ἐν ᾧ οἱ πλεῖστοι τῶν
ἀνθρώπων καὶ μεταβάλλονται πρὸς τὰ παρόντα
καὶ ταῖς τύχαις εἴκουσι, δυστυχοῦντος τοῦ δήμου,
οὐκ ἀπελαυνόμενος τῆς πολιτείας οὐδ' ἰδίας ἔχθρας
ὑπαρχούσης πρὸς ἄρξειν μέλλοντας, ἀλλ' ἐξὸν
αὐτῷ καὶ τῶν τριάκοντα γενέσθαι καὶ μηδενὸς
ἔλαττον δύνασθαι, μᾶλλον εἵλετο πράττων ὑπὲρ
τῆς ὑμετέρας σωτηρίας ἀπολέσθαι ἢ ἐπιδεῖν <τὰ>[2]
τείχη καθαιρούμενα καὶ τὰς ναῦς τοῖς πολεμίοις
παραδιδομένας καὶ τὸ ὑμέτερον πλῆθος κατα-
6 δεδουλωμένον. καὶ οὐ πολλῷ χρόνῳ ὕστερον
Νικήρατος, ἀνεψιὸς ὢν ἐμὸς καὶ ὑὸς Νικίου,
εὔνους ὢν τῷ ὑμετέρῳ πλήθει, συλληφθεὶς ὑπὸ
τῶν τριάκοντα ἀπέθανεν, οὔτε γένει οὔτε οὐσίᾳ
οὔθ' ἡλικίᾳ δοκῶν ἀνάξιος εἶναι τῆς πολιτείας
μετασχεῖν· ἀλλὰ τοιαῦτα ἐνομίζετο[3] τὰ ὑπάρχοντα
αὐτῷ πρὸς τὸ ὑμέτερον πλῆθος εἶναι καὶ διὰ τοὺς
προγόνους καὶ αὐτόν, ὥστε οὐκ ἂν ποθ' ἑτέρας
7 ἐπιθυμῆσαι πολιτείας. συνῄδεσαν γὰρ ἅπασιν αὐτοῖς ὑπὸ τῆς πόλεως[4] τιμωμένοις, καὶ πολλαχοῦ

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[1] τῇ add. Reiske.
[2] τὰ add. Markland.
[3] ἐνομίζετο Baiter: ἐνόμιζε MSS.
[4] πόλεως Dobree: πολιτείας MSS.

splendid trophies of the foe's defeats that he set up; to mention them severally would be wearisome. Now Eucrates, his brother, who was my father, just after the last sea-fight[a] had taken place, gave signal evidence of his loyal devotion to your democracy. For after our defeat in the sea-fight he was elected general by you and, although invited to take part in the oligarchy by those who were plotting against the people, he refused to listen to them. He was involved in the kind of crisis[b] in which the majority of men not only shift about according to circumstances, but also yield to the vagaries of fortune. The democracy was faced with failure ; he was not being driven out of public life, nor did he nurse any private enmity against those who were about to be the rulers. And yet, although it was open to him to become one of the Thirty and to have as much power as any man, he chose rather to perish in working for your safety than to endure the sight of the demolition of the walls, the surrender of the ships to the enemy and the enslavement of your people. And, not long after that, Niceratus, who was my cousin and Nicias's son, and a loyal supporter of your democracy, was arrested and put to death by the Thirty : neither his birth nor his means nor his age could be thought to disqualify him for a part in the government ; but it was supposed that he was in such high credit with your democracy on his own account as well as on that of his ancestors that he could never be zealous for a different government. For they were conscious of the honour in which the whole family were held by the city, and how they had faced danger on your

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[a] At Aegospotami, 405 B.C.

[b] The oligarchic revolution of the Thirty, 404 B.C.

μὲν ὑπὲρ ὑμῶν κεκινδυνευκόσι, μεγάλας δ' εἰσφορὰς
[150] εἰσενηνοχόσι καὶ λελῃτουργηκόσι κάλλιστα,
καὶ τῶν ἄλλων οὐδενὸς πώποτ' ἀποστᾶσιν ὧν ἡ
πόλις αὐτοῖς προσέταξεν, ἀλλὰ προθύμως λῃτουργοῦσι.
8 καίτοι τίνες ἂν ἡμῶν εἴησαν δυστυχέστεροι,
εἰ ἐν μὲν τῇ ὀλιγαρχίᾳ ἀποθνῄσκοιμεν εὖνοι ὄντες
τῷ πλήθει, ἐν δὲ τῇ δημοκρατίᾳ ὡς κακόνοι[1] ὄντες
9 τῷ πλήθει ἀποστεροίμεθα τῶν ὄντων; καὶ μὲν δή,
ὦ ἄνδρες δικασταί, καὶ Διόγνητος διαβληθεὶς μὲν
ὑπὸ τῶν συκοφαντῶν φεύγων ᾤχετο, μετ' ὀλίγων
δὲ τῶν ἐκπεπτωκότων οὔτ' ἐπὶ τὴν πόλιν ἐστρατεύσατο
οὔτ' εἰς Δεκέλειαν ἀφίκετο· οὐδ' ἔστιν
ὅτου κακοῦ αἴτιος οὔτε φεύγων οὔτε κατελθὼν τῷ
ὑμετέρῳ πλήθει γεγένηται, ἀλλ' εἰς τοῦτ' ἀρετῆς
ἦλθεν ὥστε μᾶλλον ὠργίζετο τοῖς εἰς ὑμᾶς ἡμαρτηκόσιν
ἢ τοῖς αὐτῷ τῆς καθόδου αἰτίοις γεγενημένοις
10 <χάριν ᾔδει>.[2] καὶ ἀρχὴν μὲν οὐδεμίαν
ἦρξεν ἐν τῇ ὀλιγαρχίᾳ· ἐπειδὴ δὲ τάχιστα ἦλθον
εἰς τὴν Ἀκαδήμειαν Λακεδαιμόνιοι καὶ Παυσανίας,
λαβὼν τὸν Νικηράτου καὶ ἡμᾶς παῖδας
ὄντας, ἐκεῖνον μὲν κατέθηκεν ἐπὶ τοῖς γόνασι τοῖς
Παυσανίου, ἡμᾶς δὲ παραστησάμενος ἔλεγε πρὸς
ἐκεῖνον καὶ τοὺς ἄλλους τοὺς παρόντας ὅσα εἴημεν
πεπονθότες καὶ οἵαις τύχαις κεχρημένοι, καὶ ἠξίουν
Παυσανίαν βοηθῆσαι καὶ διὰ τὴν φιλίαν καὶ διὰ
τὴν ξενίαν τὴν ὑπάρχουσαν, καὶ τιμωρὸν γενέσθαι
11 τῶν εἰς ἡμᾶς ἡμαρτηκότων. ὅθεν Παυσανίας
ἤρξατο εὔνους εἶναι τῷ δήμῳ, παράδειγμα ποιούμενος
πρὸς τοὺς ἄλλους Λακεδαιμονίους τὰς
ἡμετέρας συμφορὰς τῆς τῶν τριάκοντα πονηρίας·
δῆλον γὰρ ἅπασι τοῖς ἐλθοῦσι Πελοποννησίων

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[1] κακόνοι Markland: κακοὶ mss.

[2] χάριν ᾔδει add. Cobet.

behalf in many places, and had made many large contributions to your funds, and had most nobly performed their public services; how they had never once evaded any of the other duties enjoined on them by the State, but had eagerly discharged them all. I ask you, whose misfortune can surpass ours, if under the oligarchy we are put to death for showing loyalty to the people, and under the democracy we are stripped of our property as being disloyal to the people? Furthermore, gentlemen, Diognetus was so slandered by base informers that he went away into exile, and was one of the few of the banished who neither took the field against the city nor came to Decelea[a]; nor has he been the author of any sort of injury to your people either in exile or after his return, but he carried principle to such a point that he was rather incensed with those who had offended against you than grateful to those who had been the authors of his recall. He held no office under the oligarchy: but, as soon as the Lacedaemonians and Pausanias had arrived at the Academy, he took the son of Niceratus and us, who were children, and laying him on the knees of Pausanias, and setting us by his side, he told Pausanias and the others present the tale of our sufferings and the fate that had befallen us, and called on Pausanias to succour us in virtue of our bonds both of friendship and of hospitality, and to do vengeance upon those who had maltreated us. The result was that Pausanias began to be favourable to the people, holding up our calamities to the Lacedaemonians as an example of the villainy of the Thirty. For it had become evident to all the Pelo-

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[a] Where the Spartans kept a strangle-hold on Attica, and welcomed exiled oligarchs from Athens.

ἐγεγένητο, ὅτι οὐ τοὺς πονηροτάτους τῶν πολιτῶν
ἀπέκτεινον, ἀλλ᾿ οἷς μάλιστα προσῆκον καὶ διὰ
γένος καὶ διὰ πλοῦτον καὶ διὰ τὴν ἄλλην ἀρετὴν
12 τιμᾶσθαι. οὕτω δ᾿ ἠλεούμεθα καὶ πᾶσι δεινὰ
ἐδοκοῦμεν πεπονθέναι, ὥστε Παυσανίας τὰ μὲν
παρὰ τῶν τριάκοντα ξένια οὐκ ἠθέλησε λαβεῖν,
τὰ δὲ παρ᾿ ἡμῶν ἐδέξατο. καίτοι δεινόν, ὦ ἄνδρες
δικασταί, ὑπὸ μὲν τῶν πολεμίων παῖδας ἡμᾶς
ὄντας ἐλεεῖσθαι, οἳ τῇ ὀλιγαρχίᾳ βοηθήσοντες
ἦλθον, ὑπὸ δ᾿ ὑμῶν, ὦ ἄνδρες δικασταί, τοιούτους
γεγενημένους τῶν ὄντων ἀποστερεῖσθαι, ὧν οἱ
πατέρες ὑπὲρ τῆς δημοκρατίας ἀπέθανον.

13 Εὖ δ᾿ οἶδ᾿, ὦ ἄνδρες δικασταί, ὅτι περὶ πλείστου
ἂν ποιήσαιτο Πολίοχος τοῦτον τὸν ἀγῶνα κατορθῶσαι,
ἡγούμενος αὐτῷ καλὴν εἶναι τὴν ἐπίδειξιν[1] καὶ
πρὸς τοὺς πολίτας καὶ τοὺς ξένους, ὅτι Ἀθήνησι τοσοῦτον
δύναται, ὥσθ᾿ ὑμᾶς τοὺς αὐτούς, περὶ ὧν
ὅρκους ὀμωμόκατε, ὑμῖν αὐτοῖς τὰ ἐναντία ποιεῖν
14 ψηφίζεσθαι. πάντες γὰρ εἴσονται ὅτι τότε μὲν
χιλίαις δραχμαῖς ἐζημιώσατε[2] τὸν βουλόμενον τὴν
ἡμετέραν γῆν δημοσίαν ποιῆσαι, νυνὶ δὲ κελεύων
δημεῦσαι νενίκηκε, καὶ περὶ τούτων δὴ ἀμφοτέρων
Ἀθηναῖοι, παρὰ νόμον[3] φεύγοντος τοῦ αὐτοῦ
15 ἀνδρός, τἀναντία σφίσιν αὐτοῖς ἐψηφίσαντο. οὐκ οὖν
αἰσχρόν, εἰ ἃ μὲν Λακεδαιμονίοις συνέθεσθε βεβαιώσετε,
ἃ δὲ αὐτοῖς ἐψηφίσασθε οὕτω ῥαδίως
διαλύσετε, καὶ τὰς μὲν πρὸς ἐκείνους συνθήκας
κυρίας ποιήσετε, τὰς δὲ πρὸς αὐτοὺς ἀκύρους;

[1] ἐπίδειξιν Dobree: ἀπόδειξιν mss.
[2] ἐζημιώσατε Markland: ἐζημίωσε mss.
[3] παρὰ νόμον Taylor: παρανόμων mss.

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[a] Gifts were offered as tokens of a friendly welcome.

ponnesians who had come that they were putting to death, not the most villainous of the citizens, but those who were especially deserving of honour on account of their birth, their wealth and their general excellence. Such was the pity felt for us, and such an impression of our grievous sufferings was made on everyone, that Pausanias rejected the hospitable offerings[a] of the Thirty, and accepted ours. Surely it will be strange, gentlemen of the jury, if after being pitied as children by the enemy who had come to succour the oligarchy we, who have proved ourselves the men we are, should be stripped of our property by you, gentlemen, whose fathers gave their lives for the democracy!

I am well aware, gentlemen, that Poliochus would value most highly his success in this trial, since he would regard it as a fine demonstration to citizens and strangers alike that he has sufficient power in Athens to make you vote in contradiction of your own selves on the very question in which you have sworn to do your duty. For everyone will know that formerly you punished with a fine[b] of a thousand drachmae the man who proposed that our land should be confiscated, and yet that to-day he has prevailed with his demand for its confiscation; and that in these two suits, in which the same man was illegally prosecuted, the Athenians voted in contradiction of themselves. Would it not then be disgraceful of you, after confirming your agreements with the Lacedaemonians, to shatter so lightly what you have voted on your own account, and to make valid your covenants with them, but invalidate those that you

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[b] Inflicted on a prosecutor who failed to obtain a fifth of the judges' votes.

καὶ τοῖς μὲν ἄλλοις Ἕλλησιν ὀργίζεσθε,[1] εἴ τις
Λακεδαιμονίους ὑμῶν περὶ πλείονος ποιεῖται,
ὑμεῖς δ' αὐτοὶ φανήσεσθε πιστότερον πρὸς ἐκείνους
16 ἢ πρὸς ὑμᾶς αὐτοὺς διακείμενοι; ἄξιον δὲ μάλιστ'
ἀγανακτῆσαι[2] ὅτι οὕτως ἤδη οἱ τὰ τῆς πόλεως
πράττοντες διάκεινται, ὥστ' οὐχ ὅ τι ἂν τῇ πολει
βέλτιστον ᾖ, τοῦτο οἱ ῥήτορες λέγουσιν, ἀλλ' ἀφ'
ὧν ἂν αὐτοὶ κερδαίνειν μέλλωσι, ταῦτα ὑμεῖς
17 ψηφίζεσθε. καὶ εἰ μὲν τῷ ὑμετέρῳ πλήθει συνέφερε
τοὺς μὲν ἔχειν τὰ αὑτῶν, τῶν δὲ ἀδίκως δεδημεῦσθαι
τὴν οὐσίαν, εἰκότως ἂν ἠμελεῖτε τῶν ὑφ'
ἡμῶν λεγομένων· νυνὶ δὲ πάντες ἂν ὁμολογήσαιτε
ὁμόνοιαν <μὲν>[3] μέγιστον ἀγαθὸν εἶναι πόλει,
στάσιν δὲ πάντων κακῶν αἰτίαν, διαφέρεσθαι δὲ
πρὸς ἀλλήλους ἐκ τῶν τοιούτων μάλιστ', ἐὰν οἱ
μὲν τῶν ἀλλοτρίων ἐπιθυμῶσιν, οἱ δ' ἐκ τῶν
18 ὄντων ἐκπίπτωσι. καὶ ταῦθ' ὑμεῖς ἔγνωτε νεωστὶ
[151] κατελθόντες, ὀρθῶς βουλευόμενοι· ἔτι γὰρ ἐμέμνησθε
τῶν γεγενημένων συμφορῶν, καὶ τοῖς
θεοῖς εἰς ὁμόνοιαν ηὔχεσθε καταστῆναι τὴν πόλιν
μᾶλλον ἢ ἐπὶ τιμωρίαν τῶν παρεληλυθότων τραπομένων[4]
τὴν μὲν πόλιν στασιάσαι, τοὺς δὲ λέγοντας
19 ταχέως πλουτῆσαι. καίτοι πλείων συγγνώμη
μνησικακεῖν νεωστὶ κατεληλυθόσιν, ἔτι τῆς ὀργῆς
οὔσης προσφάτου, ἢ τοσούτῳ χρόνῳ ὕστερον ἐπὶ
τιμωρίαν τῶν παρεληλυθότων τραπέσθαι, ὑπὸ τοιούτων
πεισθέντας οἱ ἐν ἄστει μείναντες ταύτην[5]

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[1] ὀργίζεσθε Cobet: ὀργίζοισθε MSS.

[2] μάλιστ' ἀγανακτῆσαι Dobree: μάλιστα φθονῆσαι MSS.

[3] μὲν add. Bekker.

[4] τραπομένων Hude: τραπόμενοι MSS.

have made with yourselves? You are incensed with any other Greeks who value the Lacedaemonians more than you; and will you show in your own disposition more fidelity to them than to yourselves? But what calls for the highest indignation is that the disposition of men in public life to-day is such that the orators do not propose what will be most beneficial to the city, but it is for proposals which must bring profit to them that you give your votes.[a] Now, if it were to the advantage of your people that, while some kept their own, others had to suffer the unjust confiscation of their property, you would have some reason to neglect our arguments: but in fact you must all acknowledge that unanimity is the greatest boon to a city, while faction is the cause of all evils; and that mutual dissensions chiefly arise from the desire of some for what is not theirs, and the ejection of others from what they have. This was your conclusion shortly after your return, and your reasoning was sound; for you still remembered the disasters that had occurred, and you prayed to the gods to restore the city to unanimity rather than permit the pursuit of vengeance for what was overpast to lead to faction in the city and the rapid enrichment of the speech-makers. And yet it would have been more pardonable to show resentment shortly after you had returned, while your anger was freshly kindled, than to pursue so belated a vengeance for what is overpast at the bidding of men who, after remaining in the city, conceive that they

[a] The law awarded three-quarters of a property confiscated to the person who brought the action for its confiscation; *cf.* § 20 below.

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[5] *ταύτην* Taylor: *αὐτὴν* MSS.

ὑμῖν οἴονται διδόναι πίστιν τῆς αὑτῶν εὐνοίας,
ἑτέρους κακοὺς ποιοῦντες, ἀλλ᾽ οὐ σφᾶς αὐτοὺς
χρηστοὺς παρέχοντες, καὶ νυνὶ τῶν τῆς πόλεως
εὐτυχιῶν ἀπολαύοντες, ἀλλ᾽ οὐ πρότερον τῶν
ὑμετέρων κινδύνων μετέχοντες.

20 Καὶ εἰ μὲν ἑωρᾶτε, ὦ ἄνδρες δικασταί, σῳζόμενα
τῇ πόλει τὰ ὑπὸ τούτων δημευόμενα, συγγνώμην
ἂν εἴχομεν· νῦν δ᾽ ἐπίστασθε ὅτι τὰ μὲν αὐτῶν
ὑπὸ τούτων ἀφανίζεται, τὰ δὲ πολλοῦ ἄξια ὄντα
ὀλίγου πιπράσκεται. ἐὰν δ᾽ ἐμοὶ πείθησθε, οὐκ
ἐλάττω ἀπ᾽ αὐτῶν ὑμεῖς ὠφεληθήσεσθε ἢ ἡμεῖς οἱ
21 κεκτημένοι, ἐπεὶ καὶ νυνὶ Διόμνηστος καὶ ἐγὼ καὶ
ὁ ἀδελφὸς ἐκ μιᾶς οἰκίας τρεῖς ὄντες τριηραρχοῦμεν,
καὶ ὅταν ἡ πόλις δέηται χρημάτων, ἀπὸ
τούτων ὑμῖν εἰσφέρομεν. ὡς οὖν ἡμῶν ταύτῃ τῇ
γνώμῃ χρωμένων, καὶ τῶν προγόνων τῶν ἡμετέρων
22 τοιούτων γεγενημένων, φείδεσθε ἡμῶν. οὐδὲν
γὰρ ἂν ἡμᾶς κωλύοι, ὦ ἄνδρες δικασταί, ἀθλιωτάτους[1]
εἶναι, ἐπὶ μὲν τῶν τριάκοντα ὀρφανοὺς καταλειφθέντας,
ἐν δὲ τῇ δημοκρατίᾳ τῶν ὄντων ἐστερημένους,
οἷς ἡ τύχη παρέδωκεν· ὥστ᾽ ἔτι ἡμᾶς
παῖδας ὄντας ἐπὶ τὴν Παυσανίου σκηνὴν ἐλθόντας
βοηθῆσαι τῷ πλήθει. καὶ τοιούτων ἡμῖν ὑπαρχόντων
εἰς τίνας ἂν ἐβουλήθημεν δικαστὰς καταφυγεῖν;
23 οὐκ εἰς τοὺς οὕτω πολιτευομένους, ὑπὲρ ἧς
πολιτείας[2] καὶ ὁ πατὴρ καὶ οἱ προσήκοντες ἡμῖν
ἀπέθανον; νῦν τοίνυν ταύτην ἀνθ᾽ ἁπάντων ἀπαιτοῦμεν
ὑμᾶς τὴν χάριν, μὴ περιιδεῖν ἡμᾶς ἀπόρως
διατεθέντας μηδ᾽ ἐνδεεῖς τῶν ἐπιτηδείων γενομένους,
μηδὲ τὴν τῶν προγόνων εὐδαιμονίαν
καταλῦσαι, ἀλλὰ πολὺ μᾶλλον παράδειγμα ποιη-

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[1] ἀθλιωτάτους Stephanus: ἀθλιοθεάτους MSS.

give you a pledge of their own loyalty when they make bad subjects of their fellows instead of showing themselves good ones, and who to-day reap the fruits of the city's successes without having previously shared your perils.

And if you saw, gentlemen, that the property confiscated by these men was being secured for the State, we should forgive them; but the fact is, as you well know, that some of it is melting away in their hands, while the rest, though of great value, is being sold off cheap. Yet, if you will take my advice, you will receive no less profit from it than we, the owners. For at this moment Diomnestus, my brother and I, three of one household, are equipping warships, and when the State requires money we raise a special contribution on these properties. Since, then, we are of this way of thinking, and our ancestors have evinced the same character, spare us. Else we should have no escape, gentlemen, from the most miserable plight: after being left orphans in the time of the Thirty we should be stripped of our property under the democracy,—we, to whom fortune vouchsafed that, as mere children, we should succour the people by going to the tent of Pausanias! Having such a record behind us, with what judges would we have chosen to take refuge? Surely with those who support a constitution for which both our father and our kinsmen gave their lives. And so to-day this is the sole return that we ask of you for all that we have done,—that you do not suffer us to be reduced to destitution or left in want of bare necessaries, and that you do not ruin the prosperity that was our ancestors', but much rather give an example to those

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[2] ἧς πολιτείας Taylor: τῆς πολιτείας ἧς MSS.

σαι τοῖς βουλομένοις τὴν πόλιν εὖ ποιεῖν, οἵων ὑμῶν ἐν τοῖς κινδύνοις τεύξονται.

24 Οὐκ ἔχω, ὦ ἄνδρες δικασταί, οὕστινας δεησομένους ὑπὲρ ἡμῶν ἀναβιβάσομαι· τῶν γὰρ προσηκόντων οἱ μὲν ἄνδρας ἀγαθοὺς αὑτοὺς παρασχόντες καὶ μεγάλην τὴν πόλιν ποιοῦντες ἐν τῷ πολέμῳ τεθνᾶσιν, οἱ δ' ὑπὲρ τῆς δημοκρατίας καὶ
25 τῆς ὑμετέρας ἐλευθερίας ὑπὸ τῶν τριάκοντα κώνειον πιόντες, ὥστε τῆς ἐρημίας ἡμετέρας αἴτιαι γεγόνασιν αἵ τε τῶν προσηκόντων ἀρεταὶ καὶ αἱ τῆς πόλεως συμφοραί. ὧν ἄξιον ὑμᾶς ἐνθυμηθέντας προθύμως ἡμῖν βοηθῆσαι, ἡγησαμένους τούτους ἂν ἐν δημοκρατίᾳ δικαίως εὖ πάσχειν ὑφ' ὑμῶν, οἵπερ ἐν ὀλιγαρχίᾳ τῶν συμφορῶν μετέσχον
26 τὸ μέρος. ἀξιῶ δὲ καὶ τούτους τοὺς συνδίκους εὔνους ἡμῖν εἶναι, ἐκείνου τοῦ χρόνου μνησθέντας, ὅτ' ἐκ τῆς πατρίδος ἐκπεπτωκότες καὶ τὰς οὐσίας ἀπολωλεκότες ἄνδρας ἀρίστους ἐνομίζετ' εἶναι τοὺς ὑπὲρ ὑμῶν ἀποθνῄσκοντας, καὶ τοῖς θεοῖς ηὔχεσθε
27 δυνηθῆναι χάριν τοῖς ἐξ ἐκείνων ἀποδοῦναι. ἡμεῖς τοίνυν, ὑεῖς ὄντες καὶ συγγενεῖς τῶν ὑπὲρ τῆς ἐλευθερίας προκεκινδυνευκότων, ἀπαιτοῦμεν ὑμᾶς νυνὶ ταύτην τὴν χάριν, καὶ ἀξιοῦμεν μὴ ἀδίκως ἡμᾶς ἀπολέσαι, ἀλλὰ πολὺ μᾶλλον βοηθεῖν τοῖς τῶν αὐτῶν μετασχοῦσι συμφορῶν. ἐγὼ μὲν οὖν καὶ δέομαι καὶ ἀντιβολῶ καὶ ἱκετεύω, καὶ τούτων παρ' ὑμῶν τυγχάνειν ἀξιῶ· οὐ γὰρ περὶ μικρῶν κινδυνεύομεν, ἀλλὰ περὶ τῶν ὄντων ἁπάντων.

who desire to do the State good service of the treatment that they will receive from you in times of danger.

I have nobody, gentlemen, whom I can put up here to plead on our behalf: for some of my kinsmen, after giving proof of their valour in promoting the greatness of the city, have perished in the war; others, in the defence of the democracy and of your freedom, have drunk hemlock under the Thirty. We therefore owe our isolation to the merits of our kinsmen and the calamities of the State. Bearing all this in mind, you ought to succour us, judging those to be rightful recipients of your favours under democracy who bore their share of calamity under oligarchy. I also call upon the Commissioners here to be kind to us: let them remember that time when, expelled from your native land and deprived of your property, you esteemed most highly the men who gave their lives for you, and you prayed to the gods that you might be able to show your gratitude to their children. So we, sons and relatives of those who have been foremost to meet danger in the cause of freedom, ask this return of your gratitude to-day, and call upon you not to ruin us unjustly, but much rather to succour those who have shared in the common calamities. Now I beg and beseech and implore you to grant us what we claim. For it is no slight matter that we have at stake: it is the whole of our possessions.

XIX. ON THE PROPERTY OF ARISTOPHANES: AGAINST THE TREASURY

INTRODUCTION

Nicophemus, father of the Aristophanes whose property is here in question, was an able staff-officer and friend of Conon in the naval operations which recovered for Athens, during the years 398–387 B.C., some degree of her former authority over the Greek islands and the cities of Asia. From 405 B.C. Conon and Nicophemus made their home in Cyprus, where Evagoras, King of Salamis, became a valuable ally of Athens. Aristophanes, like Conon's son Timotheus, resided at Athens; and he married a sister of the present speaker. He also showed himself a man of great energy and public spirit: for in 393 he went on Conon's suggestion to Syracuse, with the object of drawing away its ruler, Dionysius, from his connexion with Sparta to friendship with Evagoras. In 390 he went on an expedition from Athens to assist Evagoras against Persia: this affair, however, was a failure, and it seems probable that the Athenians had some special reason for resentment against the organizers of the expedition—Nicophemus and Aristophanes; for they were both summarily executed and their property was confiscated. It is to be noted that the speaker laments the harsh treatment meted out to them, but that he does not attempt either to establish their innocence of the guilt charged against them or to dispute the validity of the confiscation itself (7-8); although, as appears from Harpocration,[a] Lysias had previously written a speech against the proposer of this latter penalty. At any rate, the amount of the property, when confiscated, was found to be much less than had been generally expected (11, 45 foll.), and the father-in-law of Aristophanes, who was acting as the guardian of his daughter and her three children, was accused of withholding some part of it. He died before he could be brought to trial, and the prosecution was then directed against his only son, the brother-in-law of Aristophanes, who speaks here before a court presided over by the Commissioners of the Treasury. The date of the trial appears (50) to have been 388 or 387 B.C., and the defence opens with a warning against the insidious peril of slander and the prejudice likely to be caused by the present scarcity of money.

The speaker bases his argument—which is to show how small the property was—mainly on the probabilities that his father was not the kind of man to withhold money due to the State; that the public spirit of Aristophanes led him to spend so much on the ordinary duties of a wealthy citizen that there can be but little of his fortune remaining; that Nicophemus, having been a subordinate of Conon, and having kept his gains in Cyprus, cannot have bequeathed much to Aristophanes; and that it is a common experience to find that a man's fortune is much smaller than it has been reported to be during his life.

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[a] *s.v.* χύτροι.

The speech provides a fine example of Lysias's tact in handling a case that is endangered by the popular prejudice against men who have made money on service abroad during a time of financial stringency at home. As Jebb has remarked, " there is consummate art in the sketch of his (the speaker's) father, the quiet citizen of the old school, and of Aristophanes, the adventurous patriot of the new."

[152] XIX. ΥΠΕΡ ΤΩΝ ΑΡΙΣΤΟΦΑΝΟΥΣ ΧΡΗΜΑΤΩΝ, ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ

1 Πολλήν μοι ἀπορίαν παρέχει ὁ ἀγὼν οὑτοσί, ὦ
ἄνδρες δικασταί, ὅταν ἐνθυμηθῶ ὅτι, ἐὰν ἐγὼ μὲν
μὴ νῦν εὖ εἴπω, οὐ μόνον ἐγὼ ἀλλὰ καὶ ὁ πατὴρ
δόξει ἄδικος εἶναι καὶ τῶν ὄντων ἁπάντων στερήσομαι.
ἀνάγκη οὖν, εἰ καὶ μὴ δεινὸς πρὸς ταῦτα
πέφυκα, βοηθεῖν τῷ πατρὶ καὶ ἐμαυτῷ οὕτως ὅπως
2 ἂν δύνωμαι. τὴν μὲν οὖν παρασκευὴν καὶ <τὴν>[1]
προθυμίαν τῶν ἐχθρῶν ὁρᾶτε, καὶ οὐδὲν δεῖ περὶ
τούτων λέγειν· τὴν δ' ἐμὴν ἀπειρίαν πάντες ἴσασιν,
ὅσοι ἐμὲ γιγνώσκουσιν. αἰτήσομαι οὖν ὑμᾶς
δίκαια καὶ ῥᾴδια χαρίσασθαι, ἄνευ ὀργῆς καὶ ἡμῶν
3 ἀκοῦσαι, ὥσπερ <καὶ>[2] τῶν κατηγόρων. ἀνάγκη
γὰρ τὸν ἀπολογούμενον, κἂν ἐξ ἴσου ἀκροᾶσθε,
ἔλαττον ἔχειν. οἱ μὲν γὰρ ἐκ πολλοῦ χρόνου
ἐπιβουλεύοντες, αὐτοὶ ἄνευ κινδύνων ὄντες, τὴν
κατηγορίαν ἐποιήσαντο, ἡμεῖς δὲ ἀγωνιζόμεθα
μετὰ δέους καὶ διαβολῆς καὶ κινδύνου <τοῦ>[3]
μεγίστου. εἰκὸς οὖν ὑμᾶς εὔνοιαν πλείω ἔχειν
4 τοῖς ἀπολογουμένοις. οἶμαι γὰρ πάντας ὑμᾶς
εἰδέναι ὅτι πολλοὶ ἤδη πολλὰ καὶ δεινὰ κατηγορήσαντες
παραχρῆμα ἐξηλέγχθησαν ψευδόμενοι οὕτω

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[1] *τὴν* add. Fuhr.

[2] *καὶ* add. Westermann.

[3] *τοῦ* add. Francken.

XIX. ON THE PROPERTY OF ARISTOPHANES: AGAINST THE TREASURY

I FIND myself greatly embarrassed by this trial, gentlemen of the jury, when I consider that if I fail to speak with effect to-day not only I but my father besides will be held to be guilty, and I shall be deprived of the whole of my possessions. It is necessary therefore, even if I have no natural aptitude for the task, to defend my father and myself as best I can. You see, of course, the artifice and the alacrity of my enemies; of these there is no need to speak; whereas everyone who knows me is aware of my inexperience. I shall therefore beg of you the just and easy favour of hearing us with the same absence of anger as when you listened to our accusers. For the man who speaks in his defence, even if you give him an impartial hearing, must needs be at a disadvantage: those people have laid their schemes long before, and without any danger to themselves have delivered their accusation; whereas we are contending amid fear and slander and the gravest danger. It is reasonable, therefore, that you should feel more kindness for those who are making their defence. For I think you all know that there have been many cases in the past of men bringing forward a number of formidable accusations, who have been convicted then and there of lying on such clear evidence

φανερῶς, ὥστε ὑπὸ πάντων τῶν παραγενομένων[1]
μισηθέντες ἀπελθεῖν· οἱ δ' αὖ μαρτυρήσαντες τὰ
ψευδῆ καὶ ἀδίκως ἀπολέσαντες ἀνθρώπους ἑάλωσαν,
5 ἡνίκα οὐδὲν ἦν πλέον τοῖς πεπονθόσιν. ὅτ'
οὖν τοιαῦτα πολλὰ γεγένηται, ὡς ἐγὼ ἀκούω,
εἰκὸς ὑμᾶς, ὦ ἄνδρες δικασταί, μήπω τοὺς τῶν
κατηγόρων λόγους ἡγεῖσθαι πιστούς, πρὶν ἂν καὶ
ἡμεῖς εἴπωμεν. ἀκούω γὰρ ἔγωγε, καὶ ὑμῶν δὲ
τοὺς πολλοὺς οἶμαι εἰδέναι, ὅτι πάντων δεινότατόν
6 ἐστι διαβολή. μάλιστα δὲ τοῦτο ἔχοι ἄν τις
ἰδεῖν,[2] ὅταν πολλοὶ ἐπὶ τῇ αὐτῇ αἰτίᾳ εἰς ἀγῶνα
καταστῶσιν. ὡς γὰρ ἐπὶ τὸ πολὺ οἱ τελευταῖοι
κρινόμενοι σῴζονται· πεπαυμένοι γὰρ τῆς ὀργῆς
αὐτῶν ἀκροᾶσθε, καὶ τοὺς ἐλέγχους ἤδη ἐθέλοντες
ἀποδέχεσθε.

7 Ἐνθυμεῖσθε οὖν ὅτι Νικόφημος καὶ Ἀριστοφάνης
ἄκριτοι ἀπέθανον, πρὶν παραγενέσθαι τινὰ
αὐτοῖς ἐλεγχομένοις ὡς ἠδίκουν. οὐδεὶς γὰρ οὐδ'
εἶδεν ἐκείνους μετὰ τὴν σύλληψιν· οὐδὲ[3] γὰρ θάψαι
τὰ σώματ' αὐτῶν ἀπέδοσαν, ἀλλ' οὕτω δεινὴ <ἡ>[4]
συμφορὰ γεγένηται ὥστε πρὸς τοῖς ἄλλοις καὶ
8 τούτου ἐστέρηνται. ἀλλὰ ταῦτα μὲν ἐάσω· οὐδὲν
γὰρ ἂν περαίνοιμι· πολὺ δὲ ἀθλιώτεροι δοκοῦσί
μοι οἱ παῖδες οἱ Ἀριστοφάνους· οὐδένα γὰρ οὔτ'
ἰδίᾳ οὔτε δημοσίᾳ ἠδικηκότες οὐ μόνον τὰ πατρῷα
ἀπολωλέκασι παρὰ τοὺς νόμους τοὺς ὑμετέρους,
ἀλλὰ καὶ ἡ ὑπόλοιπος ἐλπὶς ἦν, ἀπὸ <τῶν>[5] τοῦ

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[1] ὑπὸ πάντων τῶν παραγενομένων Dobree: ὑπὲρ πάντων τῶν πεπραγμένων MSS.
[2] ἰδεῖν Contius: δεινότατον MSS.
[3] οὐδὲ Dobree: οὐ γὰρ MSS.
[4] ἡ add. Reiske.
[5] ἀπὸ τῶν Halbertsman: ὑπὸ MSS.

that they left the court detested by all who had been present; while others again, after bearing false witness and causing people to be unjustly put to death, have been condemned too late for it to be of any use to their victims. So, when many cases of this sort have occurred, as I am told, it is reasonable that you, gentlemen, should wait till we have had our say before you accept the statements of our accusers as trustworthy. I myself am told, and I think most of you know also, that slander is the most dangerous thing on earth. This is especially to be observed when a number of persons are brought to trial on the same charge. For, as a rule, the last to be judged are let off, since your anger has then ceased, and as you listen to them you willingly admit their disproofs.[a]

Reflect therefore that Nicophemus and Aristophanes were put to death without trial,[b] before anyone could come to their aid as the proof of their guilt was being made out. For nobody even saw them again after their arrest, since their bodies were not even delivered for burial: so awful has their calamity been that, in addition to the rest, they have suffered this privation also. But from that business I will now pass, as I can do no good there. Far more miserable, in my opinion, are the children of Aristophanes: for, having done no wrong to anyone in either private or public affairs, not only have they been bereft of their patrimony in violation of your laws, but their one remaining hope, of being reared

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[a] The slanderer has the art of raising indignation against his victims: if there is time for this to cool down, the falsity of his charges is exposed.

[b] On a summary impeachment allowed in special cases of treason or embezzlement.

πάππου ἐκτραφῆναι, ἐν οὕτω δεινῷ καθέστηκεν.
9 ἔτι δ' ἡμεῖς ἐστερημένοι μὲν κηδεστῶν, ἐστερημένοι
δὲ τῆς προικός, παιδάρια δὲ τρία ἠναγκασμένοι
τρέφειν, προσέτι συκοφαντούμεθα καὶ κινδυνεύομεν
περὶ ὧν οἱ πρόγονοι ἡμῖν κατέλιπον
κτησάμενοι ἐκ τοῦ δικαίου. καίτοι, ὦ ἄνδρες
δικασταί, ὁ ἐμὸς πατὴρ ἐν ἅπαντι τῷ βίῳ πλείω
εἰς τὴν πόλιν ἀνήλωσεν ἢ εἰς αὑτὸν καὶ τοὺς
οἰκείους, διπλάσια δὲ ἢ νῦν ἔστιν ἡμῖν, ὡς ἐγὼ
10 λογιζομένῳ αὐτῷ πολλάκις παρεγενόμην. μὴ οὖν
προκαταγιγνώσκετε ἀδικίαν τοῦ εἰς αὑτὸν μὲν
μικρὰ δαπανῶντος, ὑμῖν δὲ πολλὰ καθ' ἕκαστον
τὸν ἐνιαυτόν, ἀλλ' ὅσοι καὶ τὰ πατρῷα καὶ ἐάν
τί ποθεν λάβωσιν, εἰς τὰς αἰσχίστας ἡδονὰς εἰθισμένοι
11 εἰσὶν ἀναλίσκειν. χαλεπὸν μὲν οὖν, ὦ ἄνδρες
δικασταί, ἀπολογεῖσθαι πρὸς δόξαν ἣν ἔνιοι ἔχουσι
περὶ τῆς Νικοφήμου οὐσίας, καὶ σπάνιν ἀργυρίου
ἣ νῦν ἐστιν ἐν τῇ πόλει, καὶ τοῦ ἀγῶνος πρὸς τὸ
[153] δημόσιον ὄντος· ὅμως δὲ καὶ τούτων ὑπαρχόντων
ῥᾳδίως γνώσεσθε ὅτι οὐκ ἀληθῆ ἐστι τὰ κατηγορημένα.
δέομαι δ' ὑμῶν πάσῃ τέχνῃ καὶ
μηχανῇ μετ' εὐνοίας ἀκροασαμένους ἡμῶν διὰ
τέλους ὅ τι ἂν ὑμῖν ἄριστον καὶ εὐορκότατον
νομίζητε εἶναι, τοῦτο ψηφίσασθαι.

12 Πρῶτον μὲν οὖν, ᾧ τρόπῳ κηδεσταὶ ἡμῖν ἐγένοντο,
διδάξω ὑμᾶς. στρατηγῶν γὰρ Κόνων περὶ
Πελοπόννησον, τριηραρχήσαντι τῷ ἐμῷ πατρὶ
πάλαι φίλος γεγενημένος, ἐδεήθη δοῦναι τὴν
<ἐμὴν>[1] ἀδελφὴν αἰτοῦντι τῷ ὑεῖ τῷ Νικοφήμου.

[1] ἐμὴν add. Taylor.

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[a] Of the speaker's sister ; *cf.* 32 below.

[b] The family of Aristophanes.

with the means of their grandfather, has been placed in this serious predicament. Moreover we, bereft of our kinsfolk, bereft of the dowry,[a] and compelled to rear three small children, are attacked besides by base informers, and are in danger of losing what our ancestors bequeathed to us after they had acquired it by honest means. Yet, gentlemen, my father in all his life spent more on the State than on himself and his family,—twice the amount that we have now, as he often reckoned in my presence. So you must not rashly convict of guilt the man who spent little on himself, but a great deal on you each year; you ought rather to condemn all those persons who have made a habit of squandering both their patrimony and whatever they can get from elsewhere on the most disgraceful pleasures. It is difficult indeed, gentlemen, to defend oneself against an impression which some people have received of the property of Nicophemus, and in face of a scarcity of money that is now felt in the city, and when our contention is against the Treasury. Nevertheless, even in these circumstances, you will easily perceive that the accusations are not true; and I request you with all the insistence in my power to give us a kindly hearing to the end, and to deliver the verdict that you may esteem best for you and most agreeable to your oaths.

Now I will inform you, in the first place, of the way in which they[b] became connected with us. Conon, who was in command of operations around the Peloponnese,[c] and who had formed a friendship long before with my father when he equipped a warship, requested him to bestow my sister on her suitor, the son of

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[c] 393 B.C., when he succeeded in re-establishing some strongholds of the Athenians on the coasts of Laconia.

13 ὁ δὲ ὁρῶν αὐτοὺς ὑπ' ἐκείνου τε πεπιστευμένους
γεγονότας τε ἐπιεικεῖς τῇ ‹τε›[1] πόλει ἔν γε τῷ
τότε χρόνῳ ἀρέσκοντας, ἐπείσθη δοῦναι, οὐκ εἰδὼς
τὴν ἐσομένην διαβολήν, ἀλλ' ὅτε καὶ ὑμῶν ὁστισοῦν
ἂν ἐκείνοις ἠξίωσε κηδεστὴς γενέσθαι, ἐπεὶ ὅτι
γε οὐ χρημάτων ἕνεκα, ῥᾴδιον γνῶναι ἐκ τοῦ βίου
14 παντὸς καὶ τῶν ἔργων τῶν τοῦ πατρός. ἐκεῖνος
γὰρ ὅτ' ἦν ἐν τῇ ἡλικίᾳ, παρὸν μετὰ πολλῶν
χρημάτων γῆμαι ἄλλην, τὴν ἐμὴν μητέρα ἔλαβεν
οὐδὲν ἐπιφερομένην, ὅτι δὲ Ξενοφῶντος ἦν θυγάτηρ
τοῦ Εὐριπίδου ὑέος, ὃς οὐ μόνον ἰδίᾳ χρηστὸς
ἐδόκει εἶναι, ἀλλὰ καὶ στρατηγεῖν αὐτὸν ἠξιώσατε,
15 ὡς ἐγὼ ἀκούω. τὰς τοίνυν ἐμὰς ἀδελφὰς ἐθελόντων
τινῶν λαβεῖν ἀπροίκους πάνυ πλουσίων
οὐκ ἔδωκεν, ὅτι ἐδόκουν κάκιον γεγονέναι, ἀλλὰ
τὴν μὲν Φιλομήλῳ τῷ Παιανιεῖ, ὃν οἱ πολλοὶ
βελτίω ἡγοῦνται εἶναι ἢ πλουσιώτερον, τὴν δὲ
πένητι γεγενημένῳ οὐ διὰ κακίαν, ἀδελφιδῷ δὲ
ὄντι Φαίδρῳ[2] ‹τῷ›[3] Μυρρινουσίῳ, ἐπιδοὺς τετταράκοντα
16 μνᾶς, κᾆτ'[4] Ἀριστοφάνει τὸ ἴσον. πρὸς
δὲ τούτοις ἐμοὶ πολλὴν ἐξὸν πάνυ προῖκα λαβεῖν
ἐλάττω συνεβούλευσεν, ὥστε εὖ εἰδέναι ὅτι
κηδεσταῖς χρησοίμην κοσμίοις καὶ σώφροσι. καὶ
νῦν ἔχω γυναῖκα τὴν Κριτοδήμου θυγατέρα τοῦ
Ἀλωπεκῆθεν, ὃς ὑπὸ Λακεδαιμονίων ἀπέθανεν,

[1] τε add. Reiske.

[2] ὄντι Φαίδρῳ Taylor: φαίδρω ὄντι MSS.

[3] τῷ add. Dobree.

[4] κᾆτ' Saupple: καὶ MSS.

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[a] So far there were no signs of their later disloyalty.

[b] One of the Athenian generals to whom the Potidaeans surrendered in 430 B.C. He was killed in a fight with the Chalcidians in Thrace, 429 B.C. (*cf.* Thucydides, ii. 70, 79).

Nicophemus. My father, finding that these people had been accredited by Conon, and were of proved respectability and—at that time at least[a]—in the good graces of the city, was persuaded to bestow her: he did not know the slander that was to follow. It was a time when anyone among you would have deemed it desirable to be connected with them; for it was not done for the sake of money, as you may readily judge from my father's whole life and conduct. When he was of age, he had the chance of marrying another woman with a great fortune; but he took my mother without a portion, merely because she was a daughter of Xenophon,[b] son of Euripides, a man not only known for his private virtues but also deemed worthy by you of holding high command, so I am told. Again, my sisters he refused to certain very wealthy men who were willing to take them without dowries, because he judged them to be of inferior birth: he preferred to bestow one upon Philomelus of Paeania,[c] whom most men regard as an honourable rather than a wealthy man, and the other upon a man who was reduced to poverty by no misdemeanour,—his nephew, Phaedrus[d] of Myrrhinous,[c]—and with her a dowry of forty minae; and he later gave her to Aristophanes with the same sum. Besides doing this, when I could have obtained a great fortune he advised me to take a lesser one, so long as I felt sure of allying myself with people of an orderly and self-respecting character. So now I am married to the daughter of Critodemus of Alopece,[c] who was killed by the Lacedaemonians after the sea-

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[c] A township of Attica.

[d] The same person who appears in Plato's *Phaedrus* and *Symposium*.

17 ὅτε ἡ ναυμαχία ἐγένετο ἐν Ἑλλησπόντῳ. καίτοι,
ὦ ἄνδρες δικασταί, ὅστις αὐτός τε ἄνευ χρημάτων
ἔγημε τοῖν τε θυγατέροιν πολὺ ἀργύριον ἐπέδωκε
τῷ τε ὑεῖ ὀλίγην προῖκα ἔλαβε, πῶς οὐκ εἰκὸς
περὶ τούτου πιστεύειν ὡς οὐχ ἕνεκα χρημάτων
τούτοις κηδεστὴς ἐγένετο;

18 Ἀλλὰ μὴν ὅ γε Ἀριστοφάνης ἤδη ἔχων τὴν γυναῖκα
ὅτι πολλοῖς ἂν μᾶλλον ἐχρῆτο ἢ τῷ ἐμῷ
πατρί, ῥᾴδιον γνῶναι. ἥ τε γὰρ ἡλικία πολὺ
διάφορος, ἥ τε φύσις ἔτι πλέον· ἐκείνου[1] μὲν γὰρ
ἦν τὰ ἑαυτοῦ πράττειν, Ἀριστοφάνης δὲ οὐ μόνον
τῶν ἰδίων ἀλλὰ καὶ τῶν κοινῶν ἐβούλετο ἐπιμελεῖσθαι,
καὶ εἴ τι ἦν αὐτῷ ἀργύριον, ἀνήλωσεν
19 ἐπιθυμῶν τιμᾶσθαι. γνώσεσθε δὲ ὅτι ἀληθῆ λέγω
ἐξ αὐτῶν ὧν ἐκεῖνος ἔπραττε. πρῶτον μὲν γὰρ
βουλομένου Κόνωνος πέμπειν τινὰ εἰς Σικελίαν,
ᾤχετο ὑποστὰς μετὰ Εὐνόμου, Διονυσίου[2] φίλου
ὄντος καὶ ξένου, τὸ πλῆθος τὸ ὑμέτερον πλεῖστα
ἀγαθὰ πεποιηκότος, ὡς ἐγὼ ἀκήκοα τῶν ἐν
20 Πειραιεῖ παραγενομένων. ἦσαν δ' ἐλπίδες τοῦ
πλοῦ πεῖσαι Διονύσιον κηδεστὴν μὲν γενέσθαι
Εὐαγόρᾳ, πολέμιον δὲ Λακεδαιμονίοις, φίλον δὲ
καὶ σύμμαχον τῇ πόλει τῇ ὑμετέρᾳ. καὶ ταῦτ'
ἔπραττον πολλῶν κινδύνων ὑπαρχόντων πρὸς τὴν
θάλατταν καὶ τοὺς πολεμίους, καὶ ἔπεισαν Διονύσιον
μὴ πέμψαι τριήρεις ἃς τότε παρεσκευάσατο

[1] ἐκείνου Heldmann: ἐκείνῳ MSS.

[2] Διονυσίου Sauppe: καὶ Λυσίου MSS.

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[a] At Aegospotami, 405 B.C. After surprising the Athenian fleet (there was practically no "sea-fight") Lysander executed 3000 Athenians who were captured.

fight at the Hellespont.[a] Now I submit, gentlemen of the jury, that a man who has himself married a portionless woman, who has bestowed large sums with his two daughters, and who has accepted a small dowry for his son, ought surely in reason to be credited with allying himself to these people without a thought of money.

Nay, more, Aristophanes, although he was now married, must have preferred to be intimate with many people rather than my father, as may readily be conceived. For there was a great difference both in his age and still more in his nature. It was my father's way to mind his own business; whereas Aristophanes sought to concern himself not only with private but also with public affairs, and whatever money he had he spent in the pursuit of glory. You will perceive the truth of what I say from his actual conduct. First, when Conon wanted to send someone to Sicily,[b] he offered himself and went off with Eunomus, who was a friend and guest of Dionysius, and who had rendered a great many services to your people, as I have been told by those who were with him at the Peiraeus. The voyage was undertaken in hopes of persuading Dionysius to connect himself by marriage with Evagoras,[c] and to become an enemy of the Lacedaemonians and a friend and ally of your city. This they set out to do amid many dangers arising from the sea and from the enemy, and they prevailed on Dionysius not to send some warships which he had then prepared for the Lacedaemonians.

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[b] In 393 B.C., to undermine the friendship between Dionysius, despot of Syracuse, and the Spartans, who had helped him to attain his power in 406 B.C.

[c] Despot of Salamis in Cyprus, and steady friend of Athens.

21 Λακεδαιμονίοις. μετὰ δὲ ταῦτα ἐπειδὴ οἱ πρέσβεις
ἧκον ἐκ Κύπρου ἐπὶ τὴν βοήθειαν, οὐδὲν ἐνέλιπε προθυμίας σπεύδων. ὑμεῖς δὲ <δέκα>[1] τριήρεις αὐτοῖς
ἔδοτε καὶ τἆλλα ἐψηφίσασθε, ἀργυρίου δ' εἰς τὸν
ἀπόστολον ἠπόρουν. ὀλίγα μὲν γὰρ ἦλθον ἔχοντες
χρήματα, πολλῶν δὲ προσεδεήθησαν· οὐ γὰρ μόνον
εἰς τὰς ναῦς, ἀλλὰ καὶ πελταστὰς ἐμισθώσαντο καὶ
22 ὅπλα ἐπρίαντο. Ἀριστοφάνης [δ'][2] οὖν τῶν χρημάτων τὰ μὲν πλεῖστα αὐτὸς παρέσχεν· ἐπειδὴ δὲ
οὐχ ἱκανὰ ἦν, τοὺς φίλους ἔπειθε δεόμενος καὶ
ἐγγυώμενος, καὶ τοῦ ἀδελφοῦ τοῦ ὁμοπατρίου
ἀποκειμένας παρ' αὐτῷ τετταράκοντα μνᾶς λαβὼν
[154] κατεχρήσατο. τῇ δὲ προτεραίᾳ ᾗ ἀνήγετο, εἰσελθὼν
ὡς τὸν πατέρα τὸν ἐμὸν ἐκέλευσε χρῆσαι ὅ τι εἴη
ἀργύριον. προσδεῖν γὰρ ἔφη πρὸς τὸν μισθὸν
τοῖς πελτασταῖς. ἦσαν δ' ἡμῖν ἔνδον ἑπτὰ μναῖ·
23 ὁ δὲ καὶ ταύτας λαβὼν κατεχρήσατο. τίνα γὰρ
οἴεσθε, ὦ ἄνδρες δικασταί, φιλότιμον μὲν ὄντα,
ἐπιστολῶν δ' αὐτῷ ἡκουσῶν παρὰ τοῦ πατρὸς
μηδενὸς[3] ἀπορήσειν ἐν Κύπρῳ,[4] ᾑρημένον δὲ
πρεσβευτὴν καὶ μέλλοντα πλεῖν ὡς Εὐαγόραν,
ὑπολιπέσθαι ἄν τι τῶν ὄντων, ἀλλ' οὐχ ἃ ἦν[5]
δυνατὸς πάντα παρασχόντα χαρίσασθαι ἐκείνῳ τε
καὶ κομίσασθαι μὴ ἐλάττω; ὡς τοίνυν ταῦτ' ἐστὶν
ἀληθῆ, κάλει μοι Εὔνομον.

ΜΑΡΤΥΡΙΑ

<Κάλει μοι καὶ τοὺς ἄλλους μάρτυρας.

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[1] *δέκα* add. Westermann.

[2] *δ'* del. Frohberger.

[3] *μηδενὸς* Markland: *μηδὲν* MSS.

Next, when the envoys had arrived from Cyprus to procure our assistance,[a] his ardent energy knew no bounds. You had granted them ten warships, and had voted all the material, but they were in need of money for the dispatch of the fleet. They had brought but scanty funds with them, and they required a great deal more: for they had to hire not only men to work the ships but light infantry also, and to purchase arms. Well, it was Aristophanes who personally supplied most of their funds: as he had not enough, he persuaded his friends with entreaties and guarantees, and he took forty minae which he had in deposit at his house for his brother on the father's side, and applied the money to that purpose. The day before he put to sea, he called on my father and pressed him for the loan of such money as he had; for some more was required, he said, to pay the light infantry. We had seven minae in the house: he took these and applied them also. What man, think you, who was ambitious of glory, and was receiving letters from his father that told him he would lack for nothing in Cyprus, and had been elected ambassador and was about to sail to Evagoras, would have left behind anything that he possessed, and not have rather gratified that ruler by supplying everything that he could, with a view to a handsome return? Now, to show the truth of all this, please call Eunomus.

TESTIMONY

Please call the other witnesses also.

[a] Against the Persians.

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[4] ἐν Κύπρῳ Markland: ἐκ Κύπρου MSS.
[5] οὐχ ἃ ἦν Bekker: οὐκ εἴην MSS.

ΜΑΡΤΥΡΕΣ>[1]

24 Τῶν μὲν μαρτύρων ἀκούετε, οὐ μόνον ὅτι ἔχρησαν
τὸ <ἀργύριον>[2] ἐκείνου δεηθέντος, ἀλλὰ καὶ ὅτι
ἀπειλήφασιν· ἐκομίσθη γὰρ αὐτοῖς ἐπὶ τῆς τριήρους.

Ῥᾴδιον μὲν οὖν ἐκ τῶν εἰρημένων γνῶναι ὅτι
τοιούτων καιρῶν συμπεσόντων οὐδενὸς ἂν ἐφείσατο
25 τῶν ἑαυτοῦ· ὃ δὲ μέγιστον τεκμήριον· Δῆμος γὰρ
ὁ Πυριλάμπους, τριηραρχῶν εἰς Κύπρον, ἐδεήθη
μου προσελθεῖν αὐτῷ, λέγων ὅτι ἔλαβε <μὲν>[3]
σύμβολον παρὰ βασιλέως τοῦ μεγάλου φιάλην
χρυσῆν, δώσει δ' Ἀριστοφάνει, λαβὼν[4] ἑκκαίδεκα
μνᾶς ἐπ' αὐτῇ, ἵν' ἔχοι ἀναλίσκειν εἰς τὴν τριηραρχίαν·
ἐπειδὴ δὲ εἰς Κύπρον ἀφίκοιτο, λύσεσθαι
ἀποδοὺς εἴκοσι μνᾶς· πολλῶν γὰρ ἀγαθῶν καὶ
ἄλλων χρημάτων εὐπορήσειν διὰ τὸ σύμβολον ἐν
26 πάσῃ τῇ ἠπείρῳ. Ἀριστοφάνης τοίνυν ἀκούων
μὲν ταῦτα Δήμου, δεομένου δ' ἐμοῦ, μέλλων δ'
ἄξειν <τὸ>[5] χρυσίον, τέτταρας δὲ μνᾶς τόκον
λήψεσθαι, οὐκ ἔφη εἶναι, ἀλλ' ὤμνυε καὶ προσδεδανεῖσθαι
τοῖς ξένοις ἄλλοθεν, ἐπειδὴ ἥδιστ'
<ἂν>[6] ἀνθρώπων ἄγειν τε εὐθὺς ἐκεῖνο τὸ σύμβολον
27 καὶ χαρίσασθαι ἡμῖν ἃ ἐδεόμεθα. ὡς δὲ ταῦτ'
ἐστὶν ἀληθῆ, μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

Ὅτι μὲν τοίνυν οὐ κατέλιπεν Ἀριστοφάνης ἀργύριον οὐδὲ χρυσίον, ῥᾴδιον γνῶναι ἐκ τῶν εἰρημένων καὶ μεμαρτυρημένων· χαλκώματα δὲ σύμμεικτα οὐ

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[1] κάλει . . . μαρτυρες suppl. Westermann.

[2] ἀργύριον add. Reiske.

[3] μὲν add. Sauppe.

[4] δώσει δ' Ἀριστοφάνει λαβὼν Sauppe: ὡς Ἀριστοφάνην λαβεῖν mss.

[5] τὸ add. Sauppe.

[6] ἂν add. Markland.

WITNESSES

You hear them testify, not only that they lent the money at his request, but also that they have been repaid; for it was conveyed to them in the warship.

Well now, it is easily concluded from my argument that in such emergencies he was not likely to spare his own resources. But the strongest evidence is this: Demus, son of Pyrilampes,[a] who was equipping a warship for Cyprus, requested me to go to Aristophanes; he said he had received a gold cup as a credential from the Great King, and would give it to Aristophanes in pledge for sixteen minae, so as to have means for equipping his warship; when he got to Cyprus, he would redeem it with a payment of twenty minae, since on the strength of that credential he would then obtain plenty of goods and also money all over the continent. Then Aristophanes, on hearing this proposal from Demus and a request from me,—although he was to have the gold cup in his hands and receive four minae as interest,—said that it was impossible, and he swore that he had already gone elsewhere to borrow more for these foreigners; since, but for that, nobody alive, he declared, would have been more delighted than he to take that credential forthwith and to comply with our request. To show the truth of this, I will produce to you witnesses.

WITNESSES

So then, that Aristophanes did not leave any silver or gold is easily concluded from what I have stated and from these testimonies. Of fine[b] bronze

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[a] This Demus had been famous in youth for his beauty: *cf.* Aristophanes, *Wasps*, 98, Plato, *Gorgias*, 481 D, 513 B.

[b] Containing an admixture of gold or silver.

πολλὰ ἐκέκτητο, ἀλλὰ καὶ ὅθ' εἱστία τοὺς παρ' Εὐαγόρου πρεσβεύοντας, αἰτησάμενος ἐχρήσατο. ἃ δὲ κατέλιπεν, ἀναγνώσεται ὑμῖν.

ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ[1]

28 Ἴσως ἐνίοις ὑμῶν, ὦ ἄνδρες δικασταί, δοκεῖ
ὀλίγα εἶναι· ἀλλ' ἐκεῖνο ἐνθυμεῖσθε, ὅτι <αὐτῷ>[2]
[πρὶν Νικοφήμῳ ἢ καὶ Ἀριστοφάνει][3] πρὶν τὴν
ναυμαχίαν νικῆσαι <Κόνωνα>[4] γῆ μὲν οὐκ ἦν
ἀλλ' ἢ χωρίδιον μικρὸν Ῥαμνοῦντι. ἐγένετο δ'
29 <ἡ>[5] ναυναχία ἐπ' Εὐβουλίδου[6] ἄρχοντος. ἐν οὖν
τέτταρσιν ἢ πέντε ἔτεσι, πρότερον μὴ ὑπαρχούσης
οὐσίας, χαλεπόν, ὦ ἄνδρες δικασταί, τραγῳδοῖς τε
δὶς χορηγῆσαι,[7] ὑπὲρ αὑτοῦ τε καὶ τοῦ πατρός, καὶ
τρία ἔτη συνεχῶς τριηραρχῆσαι, εἰσφοράς τε πολλάς
εἰσενηνοχέναι, οἰκίαν τε πεντήκοντα μνῶν πρίασθαι,
γῆς τε πλέον ἢ τριακόσια πλέθρα κτήσασθαι·
ἔτι δὲ πρὸς τούτοις οἴεσθε[8] χρῆναι ἔπιπλα πολλὰ
30 καταλελοιπέναι; ἀλλ' οὐδ' οἱ πάλαι πλούσιοι
δοκοῦντες εἶναι ἄξια λόγου ἔχοιεν ἂν ἐξενεγκεῖν·
ἐνίοτε γὰρ οὐκ ἔστιν, οὐδ' ἐάν τις πάνυ ἐπιθυμῇ,
πρίασθαι τοιαῦτα <ἃ>[9] κτησαμένῳ εἰς τὸν λοιπὸν
31 χρόνον ἡδονὴν ἂν παρέχοι. ἀλλὰ τόδε σκοπεῖτε·
τῶν ἄλλων, ὅσων ἐδημεύσατε <τὰ>[10] χρήματα, οὐχ
ὅπως σκεύη ἀπέδοσθε, ἀλλὰ καὶ αἱ θύραι ἀπὸ
τῶν οἰκημάτων ἀφηρπάσθησαν· ἡμεῖς δὲ ἤδη δε-

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[1] χαλκωμάτων Reiske: χρημάτων cod. Laur. C: in Pal. titulus deest.

[2] αὐτῷ add. Fuhr.

[3] πρὶν . . . Ἀριστοφάνει del. Sluiter.

[4] Κόνωνα add. Bekker.

[5] ἡ add. Reiske.

[6] Εὐβουλίδου Meursius: εὐβούλου MSS.

[7] δὶς χορ. Reiske: διαχορ. MSS.

plate he possessed but little: when he was entertaining the envoys of Evagoras, he had to use what he could borrow. The list of the pieces that he left shall be read to you.

INVENTORY OF BRONZE PLATE

Perhaps to some of you, gentlemen of the jury, they appear few: but bear in mind the fact that before Conon won his victory at sea,[a] Aristophanes had no land except a small plot at Rhamnus.[b] Now the sea-fight occurred in the archonship of Eubulides; and in four or five years it was a difficult thing, gentlemen, when he had no wealth to start with, to be twice a producer of tragedies, on his father's account as well as his own; to equip a warship for three years in succession; to have been a contributor to special levies on many occasions; to purchase a house for fifty minae; and to acquire more than three hundred plethra[c] of land. Do you suppose that, besides doing all this, he must have left many personal effects? Why, even people credited with long-established wealth may fail to produce any that are of value: for at times, however much one may desire it, one cannot buy things of the sort that, once acquired, will be a permanent source of pleasure. Again, consider this: in all other cases where you have confiscated the property, not merely have you had no sale of furniture, but even the doors were torn away from the apartments; whereas

[a] At Cnidus, 394 B.C.

[b] A district of Attica.

[c] Amounting to about 80 acres.

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[8] οἴεσθε Reiske: οἴεσθαι MSS.

[9] ἃ add. Taylor.

[10] τὰ add. Sauppe.

δημευμένων καὶ ἐξεληλυθυίας τῆς ἐμῆς ἀδελφῆς
φύλακα κατεστήσαμεν <ἐν>[1] τῇ ἐρήμῃ[2] οἰκίᾳ, ἵνα
μήτε θυρώματα μήτε ἀγγεῖα μήτε ἄλλο μηδὲν
ἀπόλοιτο. ἔπιπλα δὲ ἀπεφαίνετο[3] πλεῖν ἢ χιλίων
32 δραχμῶν, ὅσα οὐδενὸς πώποτ᾽ ἐλάβετε. πρὸς δὲ
τούτοις καὶ πρότερον πρὸς τοὺς συνδίκους καὶ νῦν
ἐθέλομεν πίστιν δοῦναι, ἥτις ἐστὶ μεγίστη τοῖς
ἀνθρώποις, μηδὲν[4] ἔχειν τῶν Ἀριστοφάνους χρημάτων,
ἐνοφείλεσθαι[5] δὲ τὴν προῖκα τῆς ἀδελφῆς
καὶ ἑπτὰ μνᾶς ἃς ᾤχετο λαβὼν παρὰ τοῦ πατρὸς
33 τοῦ ἐμοῦ. πῶς ἂν οὖν εἶεν ἄνθρωποι ἀθλιώτεροι,
ἢ εἰ τὰ σφέτερ᾽ αὐτῶν ἀπολωλεκότες δοκοῖεν
τἀκείνων ἔχειν; ὃ δὲ πάντων δεινότατον, τὴν
[155] ἀδελφὴν ὑποδέξασθαι παιδία ἔχουσαν πολλά, καὶ
ταῦτα τρέφειν, μηδ᾽ αὐτοὺς ἔχοντας μηδέν, ἐὰν
ὑμεῖς τὰ ὄντ᾽ ἀφέλησθε.

34 Φέρε πρὸς θεῶν Ὀλυμπίων· οὕτω γὰρ σκοπεῖτε,
ὦ <ἄνδρες>[6] δικασταί. εἴ τις ὑμῶν ἔτυχε δοὺς
Τιμοθέῳ τῷ Κόνωνος τὴν θυγατέρα ἢ τὴν ἀδελφήν,
καὶ ἐκείνου ἀποδημήσαντος καὶ ἐν διαβολῇ
γενομένου ἐδημεύθη ἡ οὐσία, καὶ μὴ ἐγένετο τῇ
πόλει πραθέντων ἁπάντων τέτταρα τάλαντα ἀργυρίου,
διὰ τοῦτο ἠξιοῦτε ἂν τοὺς ἐκείνου καὶ τοὺς
προσήκοντας ἀπολέσθαι, ὅτι οὐδὲ πολλοστὸν μέρος
35 τῆς δόξης τῆς παρ᾽ ὑμῖν ἐφάνη τὰ χρήματα; ἀλλὰ
μὴν τοῦτο πάντες ἐπίστασθε Κόνωνα μὲν ἄρχοντα,

[1] ἐν add. Emperius. [2] ἐρήμῃ P. Müller: ἐμῇ MSS.
[3] ἀπεφαίνετο Pertz: ἀπεφαίνοντο MSS.
[4] μηδὲν Westermann: μὴ MSS.
[5] ἐνοφείλεσθαι Bekker: ὀφείλεσθαι MSS.
[6] ἄνδρες add. Fuhr.

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[a] A friend of Isocrates, and an important Athenian

we, as soon as the confiscation was declared and my sister had left the place, posted a guard in the deserted house, in order that neither door-timber nor utensils nor anything else might be lost. Personal effects were realized to the value of over a thousand drachmae,—more than you had received in any previous instance. Moreover, we now repeat our former offer to pledge ourselves to the Commissioners, in the most binding terms available to man, that we hold no part of Aristophanes' estate, but are owed from it the dowry of my sister and seven minae which he got from my father at his departure. Could human beings have a more miserable fate than to lose their own property, and then to be supposed to hold that of the mulcted party? And the greatest hardship of all for us will be that, having taken charge of my sister and her many children, we must rear them with no means available even for ourselves, if you deprive us of what we now have.

I adjure you, by the Olympian gods, gentlemen, just consider it in this way: suppose that one of you had happened to bestow his daughter or his sister on Timotheus,[a] son of Conon, and during his absence abroad Conon was involved in some slander and his estate was confiscated, and the city received from the sale of the whole something less than four talents of silver. Would you think it right that his children and relatives should be ruined merely because the property had turned out to be but a trifling fraction of the amount at which it stood in your estimation? But of course you are all aware that Conon held the

commander and statesman, *c.* 380–352 B.C. His father Conon, like Aristophanes' father Nicophemus, resided and died in Cyprus.

Νικόφημον δὲ ποιοῦντα ὅ τι ἐκεῖνος προστάττοι.
τῶν οὖν ὠφελειῶν Κόνωνα εἰκὸς πολλοστὸν μέρος
ἄλλῳ τινὶ μεταδιδόναι, ὥστ᾽ εἰ οἴονται πολλὰ
γενέσθαι Νικοφήμῳ, ὁμολογήσειαν <ἂν>[1] τὰ Κόνωνος
36 εἶναι πλεῖν ἢ δεκαπλάσια. ἔτι δὲ φαίνονται
οὐδὲν πώποτε διενεχθέντες, ὥστ᾽ εἰκὸς καὶ περὶ
τῶν χρημάτων ταὐτὰ γνῶναι, ἱκανὰ μὲν ἐνθάδε τῷ
ὑεῖ ἑκάτερον καταλιπεῖν, τὰ δὲ ἄλλα παρ᾽ αὑτοῖς
ἔχειν· ἦν γὰρ Κόνωνι μὲν ὑὸς ἐν Κύπρῳ καὶ γυνή,
Νικοφήμῳ δὲ γυνὴ καὶ θυγάτηρ, ἡγοῦντο δὲ καὶ
τὰ ἐκεῖ ὁμοίως[2] σφίσιν εἶναι σᾶ[3] ὥσπερ καὶ τὰ
37 ἐνθάδε. πρὸς δὲ τούτοις ἐνθυμεῖσθε ὅτι καὶ εἴ τις
μὴ κτησάμενος ἀλλὰ παρὰ τοῦ πατρὸς παραλαβὼν
τοῖς παισὶ διένειμεν, οὐκ ἐλάχιστα ἂν αὑτῷ
ὑπέλιπε· βούλονται γὰρ πάντες ὑπὸ τῶν παίδων
θεραπεύεσθαι ἔχοντες χρήματα μᾶλλον ἢ ἐκείνων
δεῖσθαι ἀποροῦντες.

38 Νῦν τοίνυν εἰ δημεύσαιτε[4] τὰ τοῦ Τιμοθέου, — ὃ
μὴ γένοιτο, εἰ μή τι μέλλει μέγα ἀγαθὸν ἔσεσθαι τῇ
πόλει,— ἐλάττω δὲ ἐξ αὐτῶν λάβοιτ᾽ ἢ ἃ[5] ἐκ τῶν
᾽Αριστοφάνους γεγένηται, τούτου ἕνεκα ἠξιοῦτε
ἂν τοὺς ἀναγκαίους τοὺς ἐκείνου τὰ σφέτερ᾽ αὐτῶν
ἀπολέσαι; ἀλλ᾽ οὐκ εἰκός, ὦ ἄνδρες δικασταί· ὁ
39 γὰρ Κόνωνος θάνατος καὶ αἱ διαθῆκαι, ἃς διέθετο
ἐν Κύπρῳ, σαφῶς ἐδήλωσαν ὅτι πολλοστὸν
μέρος ἦν τὰ χρήματα ὧν ὑμεῖς προσεδοκᾶτε· τῇ
μὲν γὰρ ᾽Αθηναίᾳ[6] καθιέρωσεν εἰς ἀναθήματα καὶ

[1] ἂν add. Emperius.
[2] ὁμοίως Reiske: ὅμως MSS.
[3] σᾶ Cobet: ἴσα MSS.
[4] δημεύσαιτε Reiske: δημεύσετε MSS.
[5] λάβοιτ᾽ ἢ ἃ Fuhr: λάβοι τὴν, λάβοιτε ὡς καὶ MSS.
[6] ᾽Αθηναίᾳ Fuhr: ᾽Αθηνᾷ MSS.

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[a] In Athens.
[b] In Cyprus.

command, and Nicophemus carried out his instructions. Now it is probable that Conon allotted to others but a small proportion of his prizes ; so that if it be thought that Nicophemus's gains were great, it must be allowed that Conon's were more than ten times greater. Furthermore, there is no evidence of any dispute having occurred between them ; so probably in regard to money they agreed in deciding that each should leave his son with a competence here,[a] while keeping the rest in his own hands.[b] For Conon had a son and a wife in Cyprus, and Nicophemus a wife and a daughter, and they also felt that their property there was just as safe as their property here. Besides, you have to consider that, even if a man had distributed among his sons what he had not acquired but inherited from his father, he would have reserved a goodly share for himself[c] ; for everyone would rather be courted by his children as a man of means than beg of them as a needy person.

So, in this case, if you should confiscate the property of Timotheus,—which Heaven forbid, unless some great benefit is to accrue to the State,—and you should receive a less amount from it than has been derived from that of Aristophanes, would this give you any good reason for thinking that his relatives should lose what belongs to them ? No, it is not reasonable, gentlemen of the jury : for Conon's death and the dispositions made under his will in Cyprus have clearly shown that his fortune was but a small fraction of what you were expecting. He dedicated five thousand staters[d] in offerings to Athene

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[c] Still more would this be the case if, like Conon's, his wealth had been acquired by his public services.

[d] The Attic stater was a gold coin equal to 20 drachmae.

τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισχιλίους στατῆ-
40 ρας· τῷ δὲ ἀδελφιδῷ τῷ ἑαυτοῦ, ὃς ἐφύλαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ, ἔδωκεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα· τὰ δὲ λοιπὰ τῷ ὑεῖ κατέλιπε, τάλαντα ἑπτακαίδεκα. τούτων δὲ κεφάλαιόν τι γίγνεται περὶ τετταρά-
41 κοντα τάλαντα. καὶ οὐδενὶ οἷόν τε εἰπεῖν ὅτι διηρπάσθη ἢ ὡς οὐ δικαίως ἀπεφάνθη· αὐτὸς γὰρ ἐν τῇ νόσῳ ὢν εὖ φρονῶν διέθετο.[1] καί μοι κάλει τούτων μάρτυρας.

ΜΑΡΤΥΡΕΣ

42 Ἀλλὰ μὴν ὁστισοῦν, ὦ ἄνδρες δικασταί, πρὶν ἀμφότερα δῆλα γενέσθαι, πολλοστὸν μέρος τὰ Νικοφήμου τῶν Κόνωνος χρημάτων ᾠήθη ἂν εἶναι. Ἀριστοφάνης τοίνυν γῆν μὲν καὶ οἰκίαν[2] ἐκτήσατο πλεῖν ἢ πέντε ταλάντων, κατεχορήγησε[3] δὲ ὑπὲρ αὑτοῦ καὶ τοῦ πατρὸς πεντακισχιλίας δραχμάς, τριηραρχῶν δὲ ἀνήλωσεν ὀγδοήκοντα
43 μνᾶς. εἰσενήνεκται δὲ ὑπὲρ ἀμφοτέρων οὐκ ἔλαττον μνῶν τετταράκοντα. εἰς δὲ τὸν ἐπὶ Σικελίας[4] πλοῦν ἀνήλωσεν ἑκατὸν μνᾶς. εἰς δὲ τὸν ἀπόστολον τῶν τριήρων, ὅτε οἱ Κύπριοι ἦλθον καὶ ἔδοτε αὐτοῖς τὰς δέκα ναῦς,[5] καὶ τῶν πελταστῶν τὴν μίσθωσιν καὶ τῶν ὅπλων τὴν ὠνὴν παρέσχε τρισμυρίας δραχμάς. καὶ τούτων κεφάλαιον πάντων γίγνεται μικροῦ λείποντος πεντε-
44 καίδεκα τάλαντα. ὥστε οὐκ ἂν εἰκότως ἡμᾶς αἰτιῷσθε,[6] ἐπεὶ[7] τῶν Κόνωνος, τῶν ὁμολογουμένων

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[1] διέθετο Taylor: ᾔσθετο MSS.

[2] οἰκίαν Markland: οὐσίαν MSS.

[3] κατεχορ. Reiske: καὶ ἐχορ. MSS.

[4] ἐπὶ Σικελίας Hertlein: ἐν Σικελίᾳ MSS.

and to Apollo at Delphi; to his nephew, who acted as guardian and manager of all his property in Cyprus, he gave about ten thousand drachmae; to his brother three talents; and to his son he left the rest,—seventeen talents. The round total of these sums amounts to about forty talents. And nobody can say that there was malversation, or that the accounts were not fairly rendered: for he made his dispositions himself in his illness, while his mind was sound. Please call witnesses to this.

WITNESSES

Why, surely anyone, gentlemen, before the amounts of the two had been revealed, would have thought that the property of Nicophemus was a mere fraction of that of Conon. Now, Aristophanes had acquired a house with land for more than five talents, had produced dramas on his own account and on his father's at a cost of five thousand drachmae,[a] and had spent eighty minae[b] on equipping warships; on account of the two, no less than forty minae have been contributed to special levies; for the Sicilian expedition he spent a hundred minae,[c] and for commissioning the warships, when the Cypriots came and you gave them the ten vessels, he supplied thirty thousand drachmae[d] to pay the light infantry and purchase their arms. The total of all these sums amounts to little short of fifteen talents. Hence you can have no reason to lay blame on us, since the property of Conon, which is admitted to have been

[a] 50 minae.
[b] 1 talent and 20 minae.
[c] 1 talent and 40 minae.
[d] 5 talents.

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[5] *ναῦς* Taylor: *μνᾶς* MSS.
[6] *αἰτιῷσθε* Dobree: *αἰτιᾶσθε* MSS.
[7] *ἐπεὶ* Reiske: *ἐπὶ* MSS.

δικαίως ἀποφανθῆναι ὑπ' αὐτοῦ ἐκείνου, πολλαπλασίων
δοκούντων πλεῖν ἢ τρίτον μέρος φαίνεται
τὰ Ἀριστοφάνους. καὶ οὐ προσλογιζόμεθα
ὅσα αὐτὸς ἐν Κύπρῳ ἔσχε Νικόφημος, οὔσης
αὐτῷ ἐκεῖ γυναικὸς καὶ θυγατρός.

45 Ἐγὼ μὲν ⟨οὖν⟩[1] οὐκ ἀξιῶ, ὦ ἄνδρες δικασταί,
οὕτω πολλὰ καὶ μεγάλα τεκμήρια παρασχομένους
ἡμᾶς ἀπολέσθαι ἀδίκως. ἀκήκοα γὰρ ἔγωγε καὶ
[156] τοῦ πατρὸς καὶ ἄλλων πρεσβυτέρων, ὅτι οὐ νῦν
μόνον ἀλλὰ καὶ ἐν τῷ ἔμπροσθεν χρόνῳ πολλῶν
ἐψεύσθητε τῆς οὐσίας, οἳ[2] ζῶντες μὲν πλουτεῖν
ἐδόκουν, ἀποθανόντες δὲ πολὺ παρὰ τὴν δόξαν τὴν
46 ὑμετέραν ἐφάνησαν. αὐτίκα Ἰσχομάχῳ, ἕως ἔζη,
πάντες ᾤοντο εἶναι πλεῖν ἢ ἑβδομήκοντα τάλαντα,
ὡς ἐγὼ ἀκούω. ἐνειμάσθην δὲ τὼ ὑεῖ οὐδὲ δέκα
τάλαντα ἑκάτερος[3] ἀποθανόντος. Στεφάνῳ δὲ τῷ
Θάλλου ἐλέγετο εἶναι πλεῖν ἢ πεντήκοντα τάλαντα,[4]
ἀποθανόντος δ' ἡ οὐσία ἐφάνη περὶ ἕνδεκα τάλαντα.
47 ὁ τοίνυν Νικίου οἶκος προσεδοκᾶτο εἶναι οὐκ
ἔλαττον ἢ ἑκατὸν ταλάντων, καὶ τούτων τὰ πολλὰ
ἔνδον [ἦν][5]· Νικήρατος δὲ ὅτ' ἀπέθνῃσκεν, ἀργύριον
μὲν ἢ χρυσίον οὐδ' αὐτὸς ἔφη καταλείπειν
οὐδέν, ἀλλὰ τὴν οὐσίαν ἣν κατέλιπε τῷ ὑεῖ, οὐ
πλείονος ἀξία ἐστὶν ἢ τεττάρων καὶ δέκα ταλάντων.
48 Καλλίας τοίνυν ὁ Ἱππονίκου, ὅτε νεωστὶ
ἐτεθνήκει ὁ πατήρ, [ὃς][6] πλεῖστα τῶν Ἑλλήνων
ἐδόκει κεκτῆσθαι, καὶ ὥς φασι, διακοσίων ταλάντων
ἐτιμήσατο ⟨τὰ⟩[7] αὐτοῦ ὁ πάππος, τὸ δὲ

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[1] οὖν add. Markland.

[2] οἳ Taylor: καὶ mss.

[3] ἑκάτερος Dobree: ἑκατέρω mss.

[4] τάλαντα Reiske: ταλάντων mss.

[5] ἦν del. Scheibe.

fairly accounted for by the owner himself, and was thought to be many times more than that of Aristophanes, is found to be less than thrice the amount of his. And we are omitting from the calculation all that Nicophemus held himself in Cyprus, where he had a wife and a daughter.

I claim, therefore, gentlemen of the jury, that after having produced such an abundance of weighty proofs we ought not to be unjustly ruined. I have been told by my father and other elderly people that you have had similar experiences in the past of being deceived in the fortunes of many men who were supposed to be wealthy while they lived, but whose death showed your supposition to be wide of the mark. For example, Ischomachus during his life was considered by everyone to own more than seventy talents, as I am told: his two sons, on his death, had less than ten talents to divide between them. Stephanus, son of Thallus, was reported to own more than fifty talents; but when he died his fortune was found to be about eleven talents. Again, the estate of Nicias was expected to be not less than a hundred talents,—most of it in his house; but when Niceratus[a] was dying, he said that he in his turn was not leaving any silver or gold, and the property that he left to his son is worth no more than fourteen talents. Then Callias,[b] son of Hipponicus, just after his father's death, was thought to have more in his possession than any other Greek, and the story goes that his grandfather valued his own property at two hundred

[a] Son of Nicias; *cf.* above, XVIII., *On the Confiscation of the Property of the brother of Nicias.*

[b] A wealthy patron of Sophists; *cf.* Plato, *Protagoras.*

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[6] ὃς del. Baiter et Sauppe. [7] τὰ add. Scheibe.

τούτου νῦν[1] τίμημα οὐδὲ δυοῖν ταλάντοιν ἐστί.
Κλεοφῶντα δὲ πάντες ἴστε, ὅτι πολλὰ ἔτη διεχείρισε
τὰ τῆς πόλεως πάντα καὶ προσεδοκᾶτο
πάνυ πολλὰ ἐκ τῆς ἀρχῆς ἔχειν· ἀποθανόντος δ'
αὐτοῦ οὐδαμοῦ δῆλα τὰ χρήματα, ἀλλὰ καὶ οἱ
49 προσήκοντες καὶ οἱ κηδεσταί, παρ' οἷς <ἂν>[2]
κατέλιπεν, ὁμολογουμένως πένητές εἰσι. φαινόμεθα
δὴ καὶ τῶν ἀρχαιοπλούτων πολὺ ἐψευσμένοι[3]
καὶ τῶν νεωστὶ ἐν δόξῃ γεγενημένων. αἴτιον δέ
μοι δοκεῖ εἶναι, ὅτι ῥᾳδίως τινὲς τολμῶσι λέγειν
ὡς ὁ δεῖνα ἔχει τάλαντα πολλὰ ἐκ τῆς ἀρχῆς.
καὶ ὅσα μὲν περὶ τεθνεώτων λέγουσιν, οὐ πάνυ
θαυμάζω (οὐ γὰρ ὑπό γε ἐκείνων ἐξελεγχθεῖεν
ἄν), ἀλλ' ὅσα ζώντων ἐπιχειροῦσι καταψεύδεσθαι.
50 αὐτοὶ γὰρ ἔναγχος ἠκούετε ἐν τῇ ἐκκλησίᾳ, ὡς
Διότιμος ἔχοι τάλαντα τετταράκοντα πλείω ἢ ὅσα
αὐτὸς ὡμολόγει παρὰ τῶν ναυκλήρων καὶ ἐμπόρων·
καὶ ταῦτα, ἐπειδὴ ἦλθεν, ἐκείνου ἀπογράφοντος
καὶ χαλεπῶς φέροντος ὅτι ἀπὼν διεβάλλετο,
οὐδεὶς ἐξήλεγξε, δεομένης μὲν τῆς
51 πόλεως χρημάτων, ἐθέλοντος δὲ ἐκείνου λογίσασθαι.
ἐνθυμεῖσθε τοίνυν οἷον ἂν ἐγένετο, εἰ Ἀθηναίων
ἁπάντων ἀκηκοότων ὅτι τετταράκοντα τάλαντα
ἔχοι Διότιμος, εἶτα ἔπαθέ τι πρὶν[4] καταπλεῦσαι
δεῦρο. εἶτα οἱ προσήκοντες ἂν αὐτοῦ ἐν κινδύνῳ
ἦσαν τῷ μεγίστῳ, εἰ ἔδει αὐτοὺς πρὸς τοσαύτην
διαβολὴν ἀπολογεῖσθαι, μὴ εἰδότας μηδὲν τῶν

[1] τὸ δὲ τούτου νῦν Westermann: τό τε τούτου τοίνυν, τὸ τούτου τοίνυν MSS.
[2] ἂν add. Emperius.
[3] ἐψευσμένοι edd.: ἐψηφισμένοι MSS.
[4] πρὶν Stephanus: πλὴν MSS.

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[a] *Cf.* above, XIII. 7, p. 285 n.

talents ; yet his ratable property stands to-day at less than two talents. And you all know how Cleophon[a] for many years had all the affairs of the State in his hands, and was expected to have got a great deal by his office ; but when he died this money was nowhere to be found, and moreover his relatives both by blood and by marriage, in whose hands he would have left it, are admittedly poor people. So it is evident that we have been greatly deceived both in men of hereditary riches and in those who have recently gained a name for wealth. The cause of this, in my opinion, is that people make light of stating that such an one has got many talents by his office. As to the common statements about dead people, I am not so much surprised, since there is no disproof to fear from them ; but what of the lies with which they assail the living ? Why, you yourselves were told of late in the Assembly that Diotimus[b] had got forty talents more from the ship-masters and merchants[c] than he himself admitted ; and when he rendered an account on his return, and was indignant at being slandered in his absence, nobody put that matter to the proof, although the State was in need of money, and he was ready to show his accounts. Just imagine what the position would have been if, after all the Athenians had been told that Diotimus had forty talents, something had then happened to him before he reached our shores. His relatives would then have been in the gravest danger, if they had been obliged to defend themselves against that monstrous slander without any knowledge of the

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[b] An Athenian general, 388–387 B.C.

[c] In return for the protection given them in their business by the general.

πεπραγμένων. αἴτιοι οὖν εἰσι καὶ ὑμῖν πολλῶν ἤδη ψευσθῆναι καὶ δὴ[1] ἀδίκως γέ τινας ἀπολέσθαι οἱ ῥᾳδίως[2] τολμῶντες ψεύδεσθαι καὶ συκοφαντεῖν
52 ἀνθρώπους ἐπιθυμοῦντες. ἐπεὶ οἴομαι ὑμᾶς εἰδέναι ὅτι Ἀλκιβιάδης τέτταρα ἢ πέντε ἔτη ἐφεξῆς ἐστρατήγει ἐπικρατῶν καὶ νενικηκὼς Λακεδαιμονίους, καὶ διπλάσια ἐκείνῳ ἠξίουν αἱ πόλεις διδόναι ἢ ἄλλῳ τινὶ τῶν στρατηγῶν, ὥστ' ᾤοντο εἶναί τινες αὐτῷ πλεῖν ἢ ἑκατὸν τάλαντα. ὁ δ' ἀποθανὼν ἐδήλωσεν ὅτι οὐκ ἀληθῆ ταῦτα ἦν· ἐλάττω γὰρ οὐσίαν κατέλιπε τοῖς παισὶν ἢ αὐτὸς παρὰ τῶν ἐπιτροπευσάντων παρέλαβεν.

53 Ὅτι μὲν οὖν καὶ ἐν τῷ ἔμπροσθεν χρόνῳ τοιαῦτα ἐγίγνετο, ῥᾴδιον γνῶναι· φασὶ δὲ καὶ τοὺς ἀρίστους καὶ σοφωτάτους μάλιστα ἐθέλειν μεταγιγνώσκειν. εἰ οὖν δοκοῦμεν εἰκότα λέγειν καὶ ἱκανὰ τεκμήρια παρέχεσθαι, ὦ ἄνδρες δικασταί, πάσῃ τέχνῃ καὶ μηχανῇ ἐλεήσατε· ὡς ἡμεῖς τῆς μὲν διαβολῆς οὕτω μεγάλης οὔσης ἀεὶ προσεδοκῶμεν κρατήσειν μετὰ τοῦ ἀληθοῦς· ὑμῶν δὲ μηδενὶ τρόπῳ ἐθελησάντων πεισθῆναι οὐδ' ἐλπὶς οὐδεμία σωτηρίας ἐδόκει
54 ἡμῖν εἶναι. ἀλλὰ πρὸς θεῶν Ὀλυμπίων, ὦ ἄνδρες δικασταί, βούλεσθε ἡμᾶς δικαίως σῶσαι μᾶλλον ἢ ἀδίκως ἀπολέσαι, καὶ πιστεύετε τούτοις ἀληθῆ λέγειν, οἳ ἂν καὶ σιωπῶντες ἐν ἅπαντι τῷ βίῳ παρέχωσι σώφρονας σφᾶς αὐτοὺς καὶ δικαίους.

55 Περὶ μὲν οὖν αὐτῆς τῆς γραφῆς, καὶ ᾧ τρόπῳ κηδεσταὶ ἡμῖν ἐγένοντο, καὶ ὅτι οὐκ ἐξήρκει τὰ

[1] δὴ Scheibe: ἰδίᾳ MSS.
[2] ἀπολέσθαι οἱ ῥᾳδίως Kayser: ῥᾳδ. ἀπ. οἱ MSS.

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[a] 411–407 B.C.
[b] He was murdered in Phrygia, 404 B.C.

facts of the case. So, for your being deceived in many people even now, and indeed for the ruin that some have unjustly incurred, you have to thank those who make light of telling lies and are bent on bringing malicious charges against their fellows. For I suppose you know that Alcibiades held command for four or five years[a] in succession, keeping the upper hand and winning victories over the Lacedaemonians: the cities thought well to give him twice as much as any other commander, so that some people supposed that he had more than a hundred talents. But when he died[b] he left evidence that this was not true: for he bequeathed a smaller fortune to his children than he had inherited himself from his guardians.

Well now, that such things were common in former times is easily judged. But they say that it is the best and wisest men who are most willing to change their minds. If, therefore, our statements are deemed to be reasonable and the proofs that we have adduced satisfactory, gentlemen of the jury, show your pity by all manner of means. For, grievous as was the weight of this slander, we always expected to conquer with the help of truth: but if you should altogether refuse to entertain our plea, we felt ourselves without a single hope of deliverance. Ah, by the Olympian gods, gentlemen, choose rather to deliver us with justice than to ruin us with injustice; and believe that those men speak the truth who, though keeping silent, show themselves throughout their lives self-respecting and just.

In regard to the charge itself, and the manner in which they became our kinsmen, and the fact that Aristophanes' means were not sufficient for the

ἐκείνου εἰς τὸν ἔκπλουν, ἀλλὰ καὶ ὡς ἄλλοθεν
[157] προσεδανείσατο ἀκηκόατε καὶ μεμαρτύρηται ὑμῖν·
περὶ δ᾽ ἐμαυτοῦ βραχέα βούλομαι ὑμῖν εἰπεῖν.
ἐγὼ γὰρ ἔτη γεγονὼς ἤδη τριάκοντα οὔτε τῷ πατρὶ
οὐδὲν πώποτε ἀντεῖπον, οὔτε τῶν πολιτῶν οὐδείς
μοι ἐνεκάλεσεν, ἐγγύς τε οἰκῶν τῆς ἀγορᾶς οὔτε
πρὸς δικαστηρίῳ οὔτε πρὸς βουλευτηρίῳ ὤφθην
οὐδεπώποτε, πρὶν ταύτην τὴν συμφορὰν γενέσθαι.
56 περὶ μὲν οὖν ἐμαυτοῦ τοσαῦτα λέγω, περὶ δὲ τοῦ
πατρός, ἐπειδὴ ὥσπερ ἀδικοῦντος αἱ κατηγορίαι
γεγένηνται, συγγνώμην ἔχετε, ἐὰν λέγω ἃ ἀνήλωσεν
εἰς τὴν πόλιν καὶ εἰς τοὺς φίλους· οὐ γὰρ
φιλοτιμίας ἕνεκα ἀλλὰ τεκμήριον ποιούμενος ὅτι
οὐ τοῦ αὐτοῦ ἐστιν ἀνδρὸς ἄνευ ἀνάγκης τε πολλὰ
ἀναλίσκειν καὶ μετὰ κινδύνου τοῦ μεγίστου
57 ἐπιθυμῆσαι ἔχειν τι τῶν κοινῶν. εἰσὶ δέ τινες οἳ
προαναλίσκοντες οὐ μόνου τούτου ἕνεκα ἀλλ᾽ ἵνα
ἄρχειν ὑφ᾽ ὑμῶν ἀξιωθέντες διπλάσια κομίσωνται.
ὁ τοίνυν ἐμὸς πατὴρ ἄρχειν μὲν οὐδεπώποτε
ἐπεθύμησε, τὰς δὲ χορηγίας ἁπάσας κεχορήγηκε,
τετριηράρχηκε δὲ ἑπτάκις, εἰσφορὰς δὲ πολλὰς καὶ
μεγάλας εἰσενήνοχεν. ἵνα δὲ εἰδῆτε καὶ ὑμεῖς, καθ᾽
ἑκάστην ἀναγνώσεται.

ΛΗΙΤΟΥΡΓΙΑΙ

58 Ἀκούετε, ὦ ἄνδρες δικασταί, τὸ πλῆθος. πεντήκοντα
γὰρ ἔτη ἐστὶν ὅσα ὁ πατὴρ καὶ τοῖς[1] χρήμασι
καὶ τῷ σώματι τῇ πόλει ἐλῃτούργει. ἐν οὖν
τοσούτῳ χρόνῳ δοκοῦντά τι ἐξ ἀρχῆς ἔχειν οὐδε-

[1] καὶ τοῖς Sluiter: αὐτοῖς mss.

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[a] Some men spend money to earn a good name for public spirit: it is spent, not for that end alone, but as a specula-

expedition, but were supplemented by loans from others, you have heard our statements and testimonies: I propose next to tell you briefly about myself. I am now thirty years old, and never yet have I either had a dispute with my father or been the subject of a complaint from any citizen; and although I live near the market-place, I have never once been seen in either law-court or council-chamber until I met with this misfortune. So much let me say regarding myself: as to my father, since he has been treated as guilty in these accusations, forgive me if I mention what he has spent on the city and on his friends; I do this, not for mere vainglory, but to bring in as evidence the fact that the same man cannot both spend a great deal without compulsion and covet some of the public property at the gravest risk. There are, indeed, persons who spend money in advance, not with that sole object, but to obtain a return of twice the amount from the appointments which you consider them to have earned.[a] Now, not once did my father seek office, but he has discharged every duty in the production of dramas, has equipped a warship seven times, and has made numerous large contributions to special levies. That you on your part may be apprised of this, the record shall be read in detail.

Public Services

You hear, gentlemen of the jury, the whole series. For as many as fifty years my father performed services to the State, both with his purse and with his person. In all that time, with his reputation for ancestral wealth, he is not likely to have shunned any

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tion on the prospect of gaining twice as much in gifts during their tenure of the office which they hope to obtain.

μίαν εἰκὸς δαπάνην πεφευγέναι. ὅμως δὲ καὶ μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

59 *Τούτων συμπάντων κεφάλαιόν ἐστιν ἐννέα τάλαντα καὶ δισχίλιαι δραχμαί. ἔτι τοίνυν καὶ ἰδίᾳ τισὶ τῶν πολιτῶν ἀποροῦσι συνεξέδωκε θυγατέρας καὶ ἀδελφάς, τοὺς δ' ἐλύσατο ἐκ τῶν πολεμίων, τοῖς δ' εἰς ταφὴν παρεῖχεν ἀργύριον. καὶ ταῦτ' ἐποίει ἡγούμενος εἶναι ἀνδρὸς ἀγαθοῦ ὠφελεῖν τοὺς φίλους, καὶ εἰ μηδεὶς μέλλοι εἴσεσθαι· νῦν δὲ πρέπον ἐστὶ καὶ ὑμᾶς ἀκοῦσαί μου. καί μοι κάλει τὸν καὶ τόν.*

ΜΑΡΤΥΡΕΣ

60 *Τῶν μὲν οὖν μαρτύρων ἀκηκόατε· ἐνθυμεῖσθε δὲ ὅτι ὀλίγον μὲν [οὖν]*[1] *χρόνον δύναιτ' ἄν τις πλάσασθαι τὸν τρόπον τὸν αὑτοῦ, ἐν ἑβδομήκοντα δὲ ἔτεσιν οὐδ' ἂν εἷς λάθοι πονηρὸς ὤν. τῷ τοίνυν πατρὶ τῷ ἐμῷ ἄλλα μὲν ἄν τις ἔχοι ἐπικαλέσαι ἴσως, εἰς χρήματα δὲ οὐδεὶς οὐδὲ τῶν ἐχθρῶν*
61 *ἐτόλμησε πώποτε. οὔκουν ἄξιον τοῖς τῶν κατηγόρων λόγοις πιστεῦσαι μᾶλλον ἢ τοῖς ἔργοις, ἃ ἐπράχθη ἐν ἅπαντι τῷ βίῳ, καὶ τῷ χρόνῳ, ὃν ὑμεῖς*[2] *σαφέστατον ἔλεγχον τοῦ ἀληθοῦς νομίσατε. εἰ γὰρ μὴ ἦν τοιοῦτος, οὐκ ἂν ἐκ πολλῶν ὀλίγα κατέλιπεν, ἐπεὶ εἰ νῦν γε ἐξαπατηθείητε ὑπὸ τούτων καὶ δημεύσαιθ' ἡμῶν τὴν οὐσίαν, οὐδὲ δύο τάλαντα λάβοιτ' ἄν. ὥστε οὐ μόνον πρὸς δόξαν ἀλλὰ καὶ εἰς χρημάτων λόγον λυσιτελεῖ μᾶλλον ὑμῖν ἀποψηφίσασθαι· πολὺ γὰρ πλείω*

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[1] *οὖν* om. Aldus.

[2] *ὃν ὑμεῖς* Reiske: *ὃ νῦν εἰς* MSS.

expense. However, I will strengthen the case for you with witnesses.

WITNESSES

The sum total of them all is nine talents and two thousand drachmae. In addition, he also joined privately in portioning daughters and sisters of certain needy citizens : there were men whom he ransomed from the enemy, and others for whose funerals he provided money. He acted in this way because he conceived it to be the part of a good man to assist his friends, even if nobody was to know : but at this moment it is fitting that you should hear of it from me. Please call this and that person.

WITNESSES

Well then, you have heard the witnesses ; and now reflect that, although one might be able to adopt a feigned character for a short time, nobody in the world could keep his baseness secret for seventy years. Now, there are things for which it might perhaps be possible to reproach my father ; but on the score of money there is no one, even among his enemies, who has ever dared to do so. It is not fair, then, to credit our accusers' words rather than the deeds that marked his whole life, or than time, which you are to regard as the clearest test of truth. If he had been of another stamp, he would not have left but a small remnant of his estate ; for if you should now be utterly deceived by these people, and should confiscate our property, you would receive less than two talents. So not only with a view to repute, but also in respect of money, it is more to your advantage to acquit us ; for you will get far

62 ὠφεληθήσεσθ', ἐὰν ἡμεῖς ἔχωμεν. σκοπεῖτε δὲ
ἐκ τοῦ παρεληλυθότος χρόνου, ὅσα φαίνεται
ἀνηλωμένα εἰς τὴν πόλιν· καὶ νῦν ἀπὸ τῶν ὑπολοίπων
τριηραρχῶ μὲν ἐγώ, τριηραρχῶν δὲ ὁ
πατὴρ ἀπέθανεν, πειράσομαι δ', ὥσπερ καὶ[1]
ἐκεῖνον ἑώρων, ὀλίγα κατὰ μικρὸν παρασκευάσασθαι
εἰς τὰς κοινὰς ὠφελείας· ὥστε τῷ γ' ἔργῳ
πάλαι <τῆς πόλεως>[2] ταῦτ' ἐστι, καὶ οὔτ' ἐγὼ
ἀφῃρημένος ἀδικεῖσθαι οἰήσομαι, ὑμῖν τε πλείους
63 οὕτως αἱ ὠφέλειαι ἢ εἰ δημεύσαιτε. πρὸς δὲ
τούτοις ἄξιον ἐνθυμηθῆναι οἵαν φύσιν εἶχεν ὁ
πατήρ. ὅσα γὰρ ἔξω τῶν ἀναγκαίων ἐπεθύμησεν
ἀναλίσκειν, πάντα φανήσεται τοιαῦτα ὅθεν καὶ
τῇ πόλει τιμὴ ἔμελλεν ἔσεσθαι. αὐτίκα ὅτε
ἵππευεν, οὐ μόνον ἵππους ἐκτήσατο λαμπροὺς
ἀλλὰ καὶ ἀθληταῖς[3] ἐνίκησεν Ἰσθμοῖ καὶ Νεμέᾳ,
ὥστε τὴν πόλιν κηρυχθῆναι καὶ αὐτὸν στεφανωθῆναι.
64 δέομαι οὖν ὑμῶν, ὦ ἄνδρες δικασταί, καὶ τούτων
καὶ τῶν ἄλλων μεμνημένους ἁπάντων τῶν εἰρημένων
βοηθεῖν ἡμῖν καὶ μὴ περιιδεῖν ὑπὸ τῶν
ἐχθρῶν ἀναιρεθέντας. καὶ ταῦτα ποιοῦντες τά τε
δίκαια ψηφιεῖσθε καὶ ὑμῖν αὐτοῖς τὰ συμφέροντα.

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[1] καὶ Scheibe: εἰ MSS.

[2] τῆς πόλεως add. Dobree.

[3] ἀθληταῖς Taylor: ἀθλητὰς, ἀθλητὰς καὶ MSS.

more benefit if we keep it. Consider, as you survey the time that is past, all that is found to have been spent on the city : at this moment, too, I am equipping a warship from the residue ; my father was equipping one when he died, and I will try to do what I saw him doing, and raise, by degrees, some little sums for the public services. Thus in reality it continues to be the property of the State, and while I shall not be feeling the wrong of having been deprived of it, you will have in this way more benefits than you would get by its confiscation. Moreover, you would do well to reflect on the kind of nature that my father possessed. In every single case where he desired to spend beyond what was necessary, it will be found that it was something designed to bring honour to the city also. For instance, when he was in the cavalry, he not only procured handsome mounts, but also won victories with race-horses at the Isthmus and Nemea, so that the city was proclaimed, and he himself was crowned. I therefore beg you, gentlemen of the jury, to remember these things, and also everything else that has been stated, and to support us, and not to suffer us to be annihilated by our enemies. In taking this course you will be voting what is just and also advantageous to yourselves.

XX. FOR POLYSTRATUS

INTRODUCTION

The distress and perplexity into which Athens was thrown by the hideous failure of the expeditions to Sicily resulted in an oligarchical revolution, by which the whole administration was placed in the hands of a Council of Four Hundred: the Assembly was reduced to a nominal body of Five Thousand selected citizens, which was only to be summoned at the pleasure of the Four Hundred (411 B.C.). Within four months Euboea revolted, and food supplies were cut off: but in the following year the Athenian fleet inflicted a crushing defeat on the Spartans and Persians at Cyzicus in the Propontis; the oligarchs in Athens were finally discredited, and the old democracy was restored. Polystratus, the elderly man who is defended in this speech by one of his sons, had been appointed registrar by the Four Hundred for the enrolment of the Five Thousand. He appears to have been moderate in his views, and to have acted throughout against his will: he placed as many as nine thousand on the list, and after holding a seat on the Council for only eight days he went to Eretria in Euboea, where he took part in engagements at sea which immediately preceded the overthrow of the oligarchs. On his return to

Athens he found himself under the shadow of his oligarchical connexion, and was prosecuted both on this ground and for definite acts against the democracy. In his first trial he was condemned to pay a heavy fine ; he appears to have paid it, and to have thus impoverished himself and his family He was prosecuted again, probably in 410, and on similar charges as before : if convicted, he would be unable to pay another fine, and consequently both he and his three sons would be deprived of their civic rights. The eldest son here speaks for him : the lack of clear arrangement and the awkwardness of the style seem to indicate that the speech is the young man's or the family's own production. However it may have come to be included among the works of Lysias, who started his professional practice some years later, its lack of art serves to show us how he may have got the suggestion of writing speeches for inexperienced litigants.

[158] XX. ΥΠΕΡ ΠΟΛΥΣΤΡΑΤΟΥ

1 Οὔ μοι δοκεῖ χρῆναι ὀργίζεσθαι ὑμᾶς τῷ ὀνόματι
τῷ τῶν τετρακοσίων, ἀλλὰ τοῖς ἔργοις ἐνίων. οἱ
μὲν γὰρ ἐπιβουλεύσαντες ἦσαν αὐτῶν, οἱ δ᾽ ἵνα
μήτε τὴν πόλιν μηδὲν κακὸν ἐργάσαιντο μήθ᾽
ὑμῶν μηδένα, ἀλλ᾽ εὖνοι ὄντες εἰσῆλθον εἰς τὸ
βουλευτήριον, ὧν εἷς ὢν οὑτοσὶ τυγχάνει Πολύστρατος.
2 οὗτος γὰρ ᾑρέθη μὲν ὑπὸ τῶν φυλετῶν
ὡς χρηστὸς ὢν ἀνὴρ καὶ περὶ τοὺς δημότας καὶ
περὶ τὸ πλῆθος τὸ ὑμέτερον· κατηγοροῦσι δὲ
αὐτοῦ ὡς οὐκ εὔνους ἦν τῷ πλήθει τῷ ὑμετέρῳ,
αἱρεθεὶς ὑπὸ τῶν φυλετῶν, οἳ ἄριστ᾽ ἂν διαγνοῖεν
3 περὶ σφῶν αὐτῶν ὁποῖοί τινές εἰσιν. οὗτος δὲ
τίνος ἂν ἕνεκα ὀλιγαρχίας ἐπεθύμησε; πότερον ὡς
ἡλικίαν εἶχε λέγων τι διαπράττεσθαι παρ᾽ ὑμῖν, ἢ
τῷ σώματι πιστεύων, ἵνα ὑβρίζοι εἰς τῶν ὑμετέρων
τινά; ἀλλ᾽ ὁρᾶτε αὐτοῦ τὴν ἡλικίαν, ᾗ καὶ τοὺς
4 ἄλλους ἱκανός ἐστιν ἀποτρέπειν τούτων. ὅστις
μὲν οὖν ἄτιμος ὤν, κακόν τι ἐργασάμενος ἐν τῷ
πρόσθεν χρόνῳ, ἑτέρας πολιτείας ἐπεθύμησε, διὰ
τὰ πρόσθεν ἁμαρτήματα αὐτοῦ ἕνεκ᾽ ἂν ἔπραττε·
τούτῳ δὲ τοιοῦτον οὐδὲν ἡμάρτητο, ὥστε αὐτοῦ
ἕνεκα μισεῖν τὸ πλῆθος τὸ ὑμέτερον, ἢ τῶν παίδων.

XX. FOR POLYSTRATUS

In my opinion it is not the name of the Four Hundred that should incense you, but the actions of some of their number. For there were some who had insidious designs: but the rest were resolved to do no harm either to the city or to any amongst you; they entered the Council-chamber with loyal thoughts, and the defendant, Polystratus, is one of that section. He was chosen by his tribesmen for the soundness of his views in regard to his township and also towards your people: yet they accuse him of disloyalty to your people, after he has been chosen by his tribesmen, who can best discern the character of this or that person amongst them. And what reason could he have had for courting an oligarchy? Because he was of an age to achieve success amongst you as a speaker, or because he had such bodily strength as might encourage him to commit an outrage on any of your people? But you see of what age he is: it is one that fits him rather to restrain others from such proceedings. To be sure, if a man has been disfranchised for some misdemeanour in the past, and so has courted a change in the constitution, he may be led by his past offences to seek his personal interest; but this man had committed no such offence as might lead him to hate your people in his own interest or in that of his children. One of these

ὁ μὲν γὰρ ἐν Σικελίᾳ ἦν, οἱ δ' ἐν Βοιωτοῖς· ὥστε
μηδὲ τούτων ἕνεκα ἑτέρας πολιτείας ἐπιθυμῆσαι
5 [διὰ τὰ πρόσθεν ἁμαρτήματα][1]. καὶ κατηγοροῦσι
μὲν αὐτοῦ ὡς πολλὰς ἀρχὰς ἦρξεν, ἀποδεῖξαι δὲ
οὐδεὶς οἷός τέ ἐστιν ὡς οὐ καλῶς ἦρξεν. ἐγὼ δ'
ἡγοῦμαι οὐ τούτους ἀδικεῖν ἐν τοῖς πράγμασιν
ἐκείνοις, ἀλλ' εἴ τις ὀλίγας ἄρξας ἀρχὰς μὴ τὰ
ἄριστα ἦρξε τῇ πόλει. οὐ γὰρ οἱ καλῶς ἄρχοντες
6 προὐδίδοσαν τὴν πόλιν, ἀλλ' οἱ μὴ δικαίως. οὗτος
δὲ πρῶτον μὲν ἄρξας ἐν Ὠρωπῷ οὔτε προέδωκε
οὔθ'[2] ἑτέραν πολιτείαν κατέστησε, τῶν ἄλλων
ἁπάντων ὅσοι ἦρχον καταπροδόντων τὰ πράγματα.
οἱ δ' οὐχ ὑπέμειναν, καταγνόντες σφῶν αὐτῶν
ἀδικεῖν· ὁ δὲ ἡγούμενος μηδὲν ἠδικηκέναι δίκην
7 δίδωσι. καὶ τοὺς μὲν ἀδικοῦντας οἱ κατήγοροι
ἐκκλέπτουσιν, ἀργύριον λαμβάνοντες· παρ' ὧν δ'
ἂν μὴ κερδαίνωσιν, ἀδικοῦντας ἀποφαίνουσι. καὶ
ὁμοίας τὰς κατηγορίας ποιοῦνται τῶν τε εἰπόντων
γνώμην τινὰ ἐν τῇ βουλῇ καὶ τῶν μή. οὗτος δὲ
οὐδὲ γνώμην οὐδεμίαν εἶπε περὶ τοῦ ὑμετέρου
8 πλήθους. ἐγὼ δ' ἡγοῦμαι ἀξίους εἶναι τούτους
μηδὲν πάσχειν ὑφ' ὑμῶν κακόν, εἰ ὑμῖν μὲν εὖνοι
ἦσαν, ἐκείνοις δὲ <οὐκ>[3] ἀπηχθάνοντο. τῶν γὰρ
λεγόντων ἐναντία ἐκείνοις οἱ μὲν ἔφευγον οἱ δὲ
ἀπέθνῃσκον, ὥστ' εἴ τις καὶ ἐβούλετο ἐναντιοῦσθαι
ὑπὲρ ὑμῶν, τὸ δέος καὶ ὁ φόνος[4] τῶν πεπονθότων
9 ἀπέτρεπε πάντας. ὥστε οἱ πολλοὶ πάντα ἀπεγίγνωσκον[5]
αὐτῶν· τοὺς μὲν γὰρ ἐξήλαυνον αὐτῶν,
τοὺς δὲ ἀπεκτίνυσαν. οἳ δὲ ἐκείνων ἔμελλον

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[1] διὰ . . . ἁμαρτήματα om. plerique codd.

[2] οὔθ' Taylor: καὶ mss.

[3] οὐκ add. Brulart.

[4] φόνος Reiske: φόβος mss.

was in Sicily, the others were in Boeotia; so it was no interest of theirs that he should court a change in the constitution. They do accuse him of having held many magistracies, but nobody is able to show that he was a bad magistrate. My own opinion is that it is not men of his character who are guilty of wrong in such situations, but some holder of a few offices who has not held them for the best advantage of the city. For our city was not betrayed by her good magistrates, but by her dishonest ones. This man, first of all, as a magistrate in Oropus,[a] neither betrayed you nor set up a new constitution when everyone else in office utterly betrayed their trust. They did not stay for the reckoning, thus convicting themselves of guilt; whereas he, feeling himself innocent, comes up for punishment! The guilty are smuggled out by their accusers in return for payment; but those from whom they can get no profit they expose as guilty. They make similar accusations against those who have proposed some motion in the Council and against those who have not. But this man has not even proposed one motion regarding your people; and I presume that these persons deserve no ill-treatment at your hands on the ground that, while they were loyal to you, they did not incur the enmity of that party.[b] For those who spoke in opposition to them were either exiled or put to death, so that whoever did aspire to oppose them in your interest was invariably deterred by fright or by the slaughter of their victims. Hence in most cases they completely lost heart, since those who were not banished were executed. Those among them

[a] On the north coast of Attica.

[b] The oligarchs.

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[5] ἀπεγίγνωσκον Dobree: ἐγίγνωσκον MSS.

ἀκροᾶσθαι καὶ μηδὲν ἐπιβουλεύειν μηδὲ ἐξαγγέλλειν,
τούτους ἂν καθίσταντο. ὥστε οὐκ ἂν ῥᾳδίως
μετέστη ἂν ὑμῖν ἡ πολιτεία. οὔκουν δίκαιοί εἰσιν,
10 ὧν ὑμῖν εὖνοι ἦσαν, τούτων δίκην διδόναι. δεινὸν
δέ μοι δοκεῖ εἶναι, εἰ τοῖς εἰποῦσι περὶ τὸ πλῆθος
τὸ ὑμέτερον μὴ τὰ ἄριστα ὁ μηδὲν εἰπὼν ταὐτὰ
πείσεται, καὶ ἐν μὲν ἑβδομήκοντα ἔτεσιν οὐδὲν
ἐξήμαρτεν εἰς ὑμᾶς, ἐν ὀκτὼ δ' ἡμέραις· καὶ οἱ
μὲν τὸν βίον ἅπαντα πονηροὶ ὄντες χρηστοὶ ἐν
τῷ λογιστηρίῳ γεγένηται, πείσαντες τοὺς κατηγόρους,
οἳ δ' ἀεὶ ὑμῖν χρηστοὶ ἦσαν, οὗτοι πονηροί.

11 Καίτοι ἔν γε ταῖς πρότερον κατηγορίαις τά τε
ἄλλα κατηγόρησαν ψευδῆ τοῦ πατρός, καὶ συγγενῆ
Φρύνιχον αὐτοῦ εἶναι ἔφησαν. καίτοι εἴ τις
βούλεται, ἐν τῷ λόγῳ τῷ ἐμῷ μαρτυρησάτω ὡς
[159] ἀναγκαῖον ὄντα Φρυνίχῳ. ἀλλὰ γὰρ ψευδῆ κατηγόρουν.
ἀλλὰ μὴν οὐδ' ἐκ παιδείας φίλος ἦν
αὐτῷ· ὁ μὲν γὰρ ἐν ἀγρῷ πένης ὢν ἐποίμαινεν,
12 ὁ δὲ πατὴρ ἐν τῷ ἄστει ἐπαιδεύετο. καὶ ἐπειδὴ
ἀνὴρ ἐγένετο, ὁ μὲν ἐγεώργει, ὁ δ' ἐλθὼν εἰς τὸ
ἄστυ ἐσυκοφάντει, ὥστε μηδὲν ὁμολογεῖν τῷ
τρόπῳ τῷ ἀλλήλων. καὶ ὅτ' ἐξέτινε τῷ δημοσίῳ,
οὐκ εἰσήνεγκεν αὐτῷ τὸ ἀργύριον· καίτοι ἐν τοῖς
τοιούτοις μάλιστα δηλοῦσιν οἳ ἂν φίλοι ὦσιν. εἰ
δ' ἦν δημότης, οὐ δίκαιος διὰ τοῦτο βλάπτεσθαί
13 ἐστιν ὁ πατήρ, εἰ μὴ καὶ ὑμεῖς ἀδικεῖτε, ὅτι ὑμῶν

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[a] An active member of the oligarchy of Four Hundred (411 B.C.); *cf.* XIII., *Against Agoratus*, 70, p. 317.

who engaged to obey and refrain from plotting and reporting, they placed in power. Thus a change of government would have been no easy thing for you. It is not fair, then, to punish people for matters in which they showed their loyalty to you. And I consider it monstrous that the same treatment meted out to those who proposed measures concerning your people that were not to its highest advantage should also be applied to the man who proposed nothing, and who in seventy years has committed no offence against you, let alone eight days ! Those who spent their whole lives in knavery have appeared as honest men before the auditors, because they have tampered with their accusers ; while those who were always honest towards you—they are the knaves.

Now, in their previous prosecution, among other lying charges that they made against my father, they stated that Phrynichus[a] was a relation of his. Well, let anyone, if he pleases, bear witness, in the time allowed for my speech, that there was kinship with Phrynichus. But, of course, their accusation was a lie. Nor, indeed, was he a friend of his by upbringing ; for Phrynichus was a poor man, and kept sheep in the fields, while my father was being educated in town. On attaining manhood he looked after his farm, while Phrynichus came to town and became a slander-monger ; so that the characters of the two were not at all compatible. And when Phrynichus had to pay a fine to the Treasury, my father did not bring him his contribution of money : yet it is in such cases that we see the best proof of a man's friends. If he was of the same township, that is no reason why my father deserves to suffer,—unless you also are guilty because he is your fellow-citizen

ἐστι πολίτης. πῶς δ᾿ ἂν γένοιτο δημοτικώτερος,
ἢ ὅστις ὑμῶν ψηφισαμένων πεντακισχιλίοις παραδοῦναι
τὰ πράγματα καταλογεὺς ὢν ἐνακισχιλίους
κατέλεξεν, ἵνα μηδεὶς αὐτῷ διάφορος εἴη τῶν
δημοτῶν, ἀλλ᾿ ἵνα τὸν μὲν βουλόμενον ἐγγράφοι,[1]
εἰ δέ τῳ μὴ οἷόν τ᾿ εἴη, χαρίζοιτο. καίτοι οὐχ
οἳ ἂν πλείους τοὺς[2] πολίτας ποιῶσιν, οὗτοι καταλύουσι
τὸν δῆμον, ἀλλ᾿ οἳ ἂν ἐκ πλειόνων ἐλάττους.
14 οὗτος δὲ οὔτε ὀμόσαι ἤθελεν οὔτε καταλέγειν,
ἀλλ᾿ αὐτὸν ἠνάγκαζον, ἐπιβολὰς ἐπιβάλλοντες καὶ
ζημιοῦντες· ἐπεὶ δὲ ἠναγκάσθη καὶ ὤμοσε τὸν
ὅρκον, ὀκτὼ ἡμέρας εἰσελθὼν εἰς τὸ βουλευτήριον
ἐξέπλει εἰς Ἐρέτριαν, καὶ ἐδόκει ἐκεῖ τὴν ψυχὴν
οὐ πονηρὸς εἶναι ἐν ταῖς ναυμαχίαις, καὶ τετρωμένος
δεῦρ᾿ ἦλθε, καὶ ἤδη μετεπεπτώκει τὰ
πράγματα. καὶ οὗτος μὲν οὔτ᾿ εἰπὼν γνώμην
οὐδεμίαν, οὔτε πλέον ὀκτὼ ἡμερῶν ἐλθὼν εἰς τὸ
βουλευτήριον ὦφλε χρήματα τοσαῦτα· τῶν δ᾿
εἰπόντων ὑμῖν τἀναντία καὶ διὰ τέλους ἐν τῷ
15 βουλευτηρίῳ ὄντων πολλοὶ ἀποπεφεύγασι. καὶ οὐ
φθονῶν τούτοις λέγω, ἀλλ᾿ ἡμᾶς ἐλεῶν· οἱ μὲν
γὰρ δοκοῦντες ἀδικεῖν ἐξῃτημένοι εἰσὶν ὑπὸ τῶν
ὑμῖν προθύμων ἐν τοῖς πράγμασι γενομένων, οἱ
δ᾿ ἠδικηκότες ἐκπριάμενοι τοὺς κατηγόρους οὐδ᾿[3]
ἔδοξαν ἀδικεῖν. πῶς [ἂν][4] οὖν οὐκ ἂν δεινὰ πάσχοιμεν;
16 καὶ κατηγοροῦσι μὲν τῶν τετρακοσίων,
ὅτι ἦσαν κακοί· καίτοι ὑμεῖς αὐτοὶ πεισθέντες
ὑπὸ τούτων παρέδοτε τοῖς πεντακισχιλίοις, καὶ εἰ
αὐτοὶ τοσοῦτοι ὄντες ἐπείσθητε, ἕνα ἕκαστον τῶν

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[1] ἐγγράφοι Dobree: γράφη mss.

[2] πλείους τοὺς Dobree: πλείστους mss.

[3] οὐδ᾿ Dobree: οὐδὲν mss.

[4] ἂν del. Markland.

Where could you find a better friend of the people than the man who, after you had decreed that the government be entrusted to Five Thousand, proceeded as Registrar to make a list of nine thousand, his purpose being to risk no quarrel with any of his townsmen, but to enter the names of anyone who wished to be included; and then, if in some cases there was a disability, to do it as a favour. Well, the democracy is not upset by those who increase the number of the citizens, but by those who reduce it. He was unwilling either to take the oath or to make up the list: they compelled him by the imposition of fines and penalties. When he was thus compelled, and had taken the oath, after sitting for only eight days in Council he took ship to Eretria,[a] and in the sea-fights there he showed no craven heart: he came home wounded, just when the revolution had taken place. And this man, who had neither proposed any motion nor sat in Council for more than eight days, was sentenced to pay that large sum, while many of those who had spoken in opposition to you, and had continued in Council throughout, have been acquitted. I speak not in envy of their case, but in pity for ours: some who were thought guilty have been begged off by persons whose administration evinced their zeal in your cause; others who were guilty bought off their accusers, and were not so much as thought guilty. Our plight, therefore, would be quite unaccountable. They accuse the Four Hundred of criminal conduct: yet you were yourselves persuaded by them to hand over the government to the Five Thousand, and if you, being so many yourselves, were persuaded, why should not each one of the Four

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[a] On the coast of Euboea, opposite the north coast of Attica.

τετρακοσίων οὐ χρῆν πεισθῆναι; ἀλλ' οὐχ οὗτοι
ἀδικοῦσιν, ἀλλ' οἳ ὑμᾶς ἐξηπάτων καὶ κακῶς
ἐποίουν. οὗτος δ' ἐν πολλοῖς δηλοῖ ὑμῖν <εὐνοῶν
καὶ>[1] ὅτι, εἴ πέρ τι νεωτερίζειν ἐβούλετο εἰς τὸ
ὑμέτερον πλῆθος, οὐκ ἄν ποτ' ἐν ὀκτὼ ἡμέραις,
17 εἰσελθὼν εἰς τὸ βουλευτήριον, ᾤχετο ἐκπλέων. ἀλλ'
εἴποι ἄν τις ὅτι κερδαίνειν ἐπιθυμῶν ἐξέπλευσεν,
ὥσπερ ἔνιοι ἥρπαζον καὶ ἔφερον. οὐδεὶς τοίνυν ἂν
εἴποι τι ὅπως[2] τῶν ὑμετέρων ἔχει, ἀλλὰ πάντα
μᾶλλον κατηγοροῦσιν ἢ εἰς τὴν ἀρχήν. καὶ οἱ κατήγοροι
τότε μὲν οὐδαμῇ εὖνοι ὄντες ἐφαίνοντο τῷ
δήμῳ οὐδὲ ἐβοήθουν· νῦν δὲ ἡνίκα αὐτὸς ἑαυτῷ εὐνούστατός
ἐστιν ὁ δῆμος, βοηθοῦσι τῷ μὲν ὀνόματι
18 ὑμῖν, τῷ δὲ ἔργῳ σφίσιν αὐτοῖς. καὶ μὴ θαυμάζετε,
ὦ ἄνδρες δικασταί, ὅτι τοσαῦτα ὦφλε
χρήματα. ἔρημον γὰρ αὐτὸν λαβόντες αὐτοῦ τε
καὶ ἡμῶν κατηγοροῦντες εἷλον. τῷ μὲν γὰρ οὐδ'
εἴ τις εἶχε μαρτυρίαν, εἶχε μαρτυρεῖν διὰ τὸ δέος
τὸ τῶν κατηγόρων, τοῖς δὲ καὶ τὰ ψευδῆ δεδοικότες
ἐμαρτύρουν. ἦ δεινά γ' ἂν[3] πάθοιμεν, ὦ ἄνδρες
19 δικασταί, εἰ τοὺς μὲν οὐχ οἵους τε ὄντας ἐξάρνους
εἶναι μὴ οὐ χρήματα ἔχειν ὑμῶν, τούτους μὲν
ἀφεῖτε ἀνδρὶ ἐξαιτουμένῳ, ἡμῖν δὲ αὐτοῖς τε προθύμοις
γεγενημένοις περὶ τὸ πλῆθος τὸ ὑμέτερον,
καὶ τοῦ πατρὸς οὐδὲν ὑμᾶς ἠδικηκότος, οὐ χαριεῖσθε.
καὶ εἰ μὲν ξένος τις ἐλθὼν ὑμᾶς ἢ χρήματα
ᾔτει ἢ εὐεργέτης ἀναγραφῆναι ἠξίου, ἔδοτε ἂν
αὐτῷ· ἡμῖν δὲ οὐ δώσετε ἡμᾶς αὐτοὺς ἐπιτίμους

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[1] εὐνοῶν καὶ add. P. Müller.

[2] τι ὅπως Scheibe: τις ὅπως, ὅπως τι MSS.

[3] γ' ἂν Stephanus: ἄγαν, ἂν MSS.

Hundred have yielded likewise? Nay, it is not these who are guilty, but the men who were deceiving you to your hurt. The defendant shows his loyalty to you by this fact among many,—that, if he did have revolutionary designs upon your people, he would never have taken ship and gone off within eight days of taking his seat in Council. But, it might be said, he took ship in the quest of gain, like some people who went raiding and robbing. Well, nobody can cite any case of his keeping property of yours: no, they accuse him of anything rather than his use of his office. The prosecution at the time in no way showed their loyalty to the democracy, nor supported it; but now that the democracy is its own most loyal friend, their support is given nominally to you, but actually to themselves. And do not be surprised, gentlemen of the jury, that he was fined such a large sum. For they found him without support, and obtained his conviction by accusations brought against both him and us. For, in his case, even if a man had evidence to give in his favour, he was prevented by the terror inspired by the accusers, whereas, in theirs, men were ready, through terror, to give even false evidence for them. How monstrous, gentlemen, would be our fate if, although the men who are unable to deny their possession of your money are acquitted by you on the intercession of a friend, we who have shown our personal zeal in your people's cause, and whose father, too, has done you no wrong, are not to obtain your grace! If some foreigner had come and either asked you for money or claimed to be recorded as your benefactor, you would have granted his request; and will you not grant to us, that we ourselves should have civic

20 ὑμῖν γενέσθαι; εἰ δέ τινες κακόνοι ἐγένοντο εἰς τὰ
ὑμέτερα πράγματα ἢ γνώμην μὴ ἐπιτηδείαν εἶπον,
οὐχ οἱ ἀπόντες[1] τούτων αἴτιοί εἰσιν, ἐπεὶ καὶ τοὺς
παρόντας ὑμεῖς ἀπελύσατε. οὐδὲ γὰρ εἴ τις τῶν
ἐνθάδε μὴ τὰ ἄριστα λέγων πείθει ὑμᾶς, οὐχ ὑμεῖς
21 ἐστε αἴτιοι, ἀλλ᾽ ὁ ἐξαπατῶν ὑμᾶς. ἐκεῖνοι δὲ
σφῶν αὐτῶν προκαταγνόντες ἀδικεῖν οἴχονται,
[160] ἵνα μὴ δοῖεν δίκην· καὶ εἴ τινες ἄλλοι ἀδικοῦσιν,
ἧττον μὲν ἐκείνων, ἀδικοῦσι δέ, τὸ δέος αὐτοὺς
ποιεῖ τό τε ὑμέτερον καὶ τὸ τῶν κατηγόρων μὴ
ἐπιδημεῖν ἀλλὰ στρατεύεσθαι, ἵνα ἢ ὑμᾶς πραοτέρους
22 ποιῶσιν ἢ τούτους πείθωσιν. οὗτος δὲ
ὑμῖν δίκην δέδωκεν, οὐδὲν ὑμᾶς ἀδικῶν, εὐθὺς
μετὰ τὰ πράγματα, ὅτε ὑμεῖς τε μάλιστα ἐμέμνησθε
τῶν γενομένων καὶ οὗτος ἐλεγχθήσεσθαι ἔμελλε,
πιστεύων αὑτῷ μηδὲν ἡμαρτῆσθαι ἀλλ᾽ ἀγωνιεῖσθαι
εὖ μετὰ τοῦ δικαίου. ὡς δ᾽ ἦν δημοτικός, ἐγὼ
23 ὑμῖν ἀποδείξω. πρῶτον μὲν γὰρ ὅσων οὐδεμιᾶς
στρατείας ἀπελείφθη, ἀλλ᾽ ἐστρατεύετο, ὡς συνειδότες
ἂν εἴποιεν οἱ δημόται· καὶ ἐξὸν αὐτῷ τὴν
οὐσίαν ἀφανῆ καταστήσαντι μηδὲν ὑμᾶς ὠφελεῖν,
εἵλετο μᾶλλον συνειδέναι ὑμᾶς, ἵν᾽ εἰ καὶ βούλοιτο
κακὸς εἶναι, μὴ ἐξείη[2] αὐτῷ, ἀλλ᾽ εἰσφέροι τε τὰς
εἰσφορὰς καὶ λῃτουργοίη. καὶ ἡμᾶς παρεσκεύασεν,
24 ὡς ἂν τῇ πόλει ὠφελιμώτατοι εἴημεν. καὶ ἐμὲ
μὲν εἰς Σικελίαν ἐξέπεμψεν, ὑμῖν δ᾽ οὐκ ἦ . . .,[3]
ὥστ᾽ εἰδέναι τοὺς ἱππέας, οἷος ἦ τὴν ψυχήν, ἕως

[1] ἀπόντες Taylor: ἅπαντες MSS.
[2] ἐξείη Dobree: ἐξῇ MSS.
[3] lacunam indicavit Markland.

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[a] The revolutionaries.
[b] A gap occurs here in the text.

rights among you? If there have been cases of disloyalty to your government or of the proposal of an improper motion, it is not the absent who are to blame for these things, since you have absolved even those who were present. For, even when one of our citizens here persuades you with mischievous advice, it is not you who are to blame, but your deceiver. But those men,[a] convicting themselves of guilt in advance, have taken themselves off in order to escape punishment: while any others who were guilty,—though in a less degree than they, but still guilty,—are moved by their fear at once of you and of their accusers to take the field instead of staying at home, in order that they may either mollify you or prevail on them. The defendant, having done you no wrong, has submitted himself to justice immediately after those events, when your memory of what occurred was freshest, and he could best be put to the proof: he trusted in his own innocence and in the success which justice would award him in his trial. That he was a friend of the people, I will prove to you. First of all, how many were the campaigns in which he served without once shirking his duty, can be told, from personal knowledge, by his fellow-townsmen. Then, when he might well have put his fortune away out of sight and refused to help you, he preferred that you should have cognizance of it, in order that, even if he chose to play the knave, he could have no chance, but must contribute to the special levies and perform his public services. He also placed us in a position to be most helpful to the State. He sent me away to Sicily, but I was not . . .[b] to you; so the cavalry should know what kind of spirit I showed as long as

τὸ στρατόπεδον σῶν ἦν· ἐπειδὴ δὲ διεφθάρη καὶ
ἀνεσώθην εἰς Κατάνην, ἐλῃζόμην[1] ὁρμώμενος
ἐντεῦθεν καὶ τοὺς πολεμίους κακῶς ἐποίουν, ὥστε
τῇ θεῷ τε τὰς δεκάτας ἐξαιρεθῆναι πλέον ἢ
τριάκοντα μνᾶς καὶ τοῖς στρατιώταις εἰς σωτηρίαν,
25 ὅσοι ἐν τοῖς πολεμίοις ἦσαν. καὶ ἐπειδὴ Καταναῖοι
ἠνάγκαζον ἱππεύειν, ἵππευον καὶ οὐδενὸς οὐδ' ἐνταῦθα
κινδύνου ἀπελειπόμην, ὥστ' εἰδέναι ἅπαντας
οἷος ἦν τὴν ψυχὴν ἱππεύων τε καὶ ὁπλιτεύων.
<ὧν>[2] ὑμῖν τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

26 Ἀκηκόατε μὲν τῶν μαρτύρων, ὦ ἄνδρες δικασταί· οἷος δ' εἰμὶ περὶ τὸ ὑμέτερον πλῆθος, ἐγὼ ὑμῖν ἀποδείξω. ἀφικομένου γὰρ ἐκεῖσε Συρακουσίου ὅρκιον ἔχοντος καὶ ἑτοίμου ὄντος ὁρκοῦν καὶ προσιόντος πρὸς ἕνα ἕκαστον τῶν ἐκεῖ ὄντων, ἀντεῖπον εὐθὺς αὐτῷ, καὶ ἐλθὼν ὡς Τυδέα διηγούμην ταῦτα, καὶ σύλλογον ἐποίει, καὶ λόγοι οὐκ ὀλίγοι ἦσαν. ὧν δ' οὖν ἐγὼ εἶπον, καλῶ μάρτυρας.

ΜΑΡΤΥΡΕΣ

27 Σκέψασθε δὴ καὶ τοῦ πατρὸς τὴν ἐπιστολήν, ἣν ἔδωκεν ἀποδοῦναι ἐμοί, πότερα τῷ ὑμετέρῳ πλήθει ἀγαθὰ ἐνῆν[3] ἢ οὔ. τά τε γὰρ οἰκεῖα ἐνεγέγραπτο, καὶ ἔτι, ὅτε καλῶς ἔχοι τὰ ἐν Σικελίᾳ,

[1] ἐλῃζόμην Contius: ἠλπιζόμην mss.
[2] ὧν add. Stephanus.
[3] ἐνῆν Francken: ἦν mss.

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[a] On the east coast of Sicily.
[b] Presumably Athene.

the army was safe : but when it was destroyed and I escaped to Catana,[a] I used that town as a base for depredations by which I harried the enemy, so that from the spoil more than thirty minae were apportioned as the tithe for the goddess[b] and enough to deliver all the soldiers who were in the hands of the enemy. And when the Cataneans compelled me to serve in the cavalry, I did so, and shirked no danger there either ; so that everyone must know what kind of spirit I showed on service both with the cavalry and with the infantry. I will provide you with my witnesses to these facts.

WITNESSES

You have heard the witnesses, gentlemen of the jury. As to my disposition towards your people, I will make it plain to you. A Syracusan had arrived in that place with a form of oath, and was ready to administer it, and was approaching the people of the place one by one :[c] I at once spoke against him, and went and reported the matter to Tydeus ; he summoned an Assembly, and there were speeches not a few. However, I will call witnesses to what I said myself.

WITNESSES

Consider now the letter from my father, which he arranged to be conveyed to me, and say whether its contents were of good or evil import to your people. In it he had written concerning our domestic affairs, and further, that when things were going well in

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[c] Apparently this man pretended that he had been commissioned by the magistrates to enlist troops.

ἥκειν. καίτοι ταῦτα ὑμῖν συνέφερε καὶ τοῖς ἐκεῖ· ὥστ᾽ εἰ μὴ εὔνους ἦν τῇ πόλει καὶ ὑμῖν, οὐκ ἄν ποτε τοιαῦτα ἐπέστελλεν.

28 Ἀλλὰ μὴν καὶ τὸν ἀδελφὸν τὸν νεώτατον, οἷος εἰς ὑμᾶς ἐστιν, ἐγὼ ἀποδείξω. καταδρομῆς γὰρ γενομένης τῶν φυγάδων, <οἳ>[1] οὐ μόνον ἐνθάδε ὅ τι οἷοί τ᾽ ἦσαν κακὸν εἰργάζοντο, ἀλλὰ καὶ ἀπὸ τοῦ τείχους ἔφερον καὶ ἦγον ὑμᾶς, ἐξελάσας ἐκ τῶν ἄλλων ἱππέων ἕνα ἀπέκτεινεν. ὧν ὑμῖν αὐτοὺς μάρτυρας τοὺς παραγενομένους παρέξομαι.

ΜΑΡΤΥΡΕΣ

29 Τὸν δὲ πρεσβύτατον ἀδελφὸν αὐτοὶ οἱ συστρατευόμενοι ἴσασιν, οἵτινες μετὰ Λέοντος[2] ἦτε ἐν Ἑλλησπόντῳ, ὥστε νομίζειν μηδενὸς ἧττον᾽ εἶναι ἀνθρώπων τὴν ψυχήν. καί μοι ἀνάβητε δεῦρο.

ΜΑΡΤΥΡΕΣ

30 Πῶς οὖν οὐ χρὴ χάριν παρ᾽ ὑμῶν ἀπολαμβάνειν, εἰ τοιοῦτοί ἐσμεν; ἀλλ᾽ ὧν μὲν ὁ πατὴρ διαβέβληται εἰς ὑμᾶς, δικαίως τούτων δεῖ ἡμᾶς ἕνεκα ἀπολέσθαι, [δι᾽][3] ὧν δὲ πρόθυμοι εἰς τὴν πόλιν γεγενήμεθα, μηδεμίαν ὠφέλειαν γενέσθαι; ἀλλ᾽ οὐ δίκαιον. ἀλλ᾽ εἰ διὰ τὴν τούτου διαβολὴν δεῖ ἡμᾶς <τι>[4] πάσχειν, δίκαιοί ἐσμεν διὰ τὴν ἡμετέραν
31 προθυμίαν τοῦτόν τε σῶσαι καὶ ἡμᾶς. οὐ γὰρ δὴ[5] ἡμεῖς χρημάτων γε ἕνεκα, ἵνα λάβοιμεν, εὖ ὑμᾶς ἐποιοῦμεν, ἀλλ᾽ ἵνα, εἴ ποτε κίνδυνος εἴη

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[1] οἳ add. Taylor.

[2] μετὰ Λέοντος Wilamowitz: ἐνθάδε ὄντες MSS.

[3] δι᾽ del. Dobree.

[4] τι add. Wilamowitz.

[5] δὴ Dobree: ἂν MSS.

Sicily I should return. Now surely your interests and those of the people there were the same; so, if he had not been loyal to the State and to you, he would never have sent such a letter.

Then again, as to my youngest brother, I will inform you of his disposition towards you. When a descent was made on us by the returning exiles, who not only wreaked here whatever damage they could, but also raided and harried you from their fortress,[a] he galloped out from the cavalry ranks and killed one of them. As witnesses to this I will produce to you the actual men who were present at the affair.

WITNESSES

Of my eldest brother enough is known by his actual comrades in the campaign,—by any of you who were with Leon at the Hellespont,—for him to be accounted the equal of any man in spirit. Please come up here.

WITNESSES

How, then, should we not obtain our reward from you, with such characters as those? Is our destruction to be justified by the slanders by which my father has been traduced to you, and are we to reap no benefit from the zeal that we have shown in the city's service? Nay, there would be no justice in it. Supposing that we ought to suffer on account of the slander aimed at him, we deserve, on account of that zeal of ours, to save both him and ourselves. For indeed it was not for the sake of money that we might get that we sought your good; our purpose was that, if we found ourselves in trouble, we might

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[a] Probably (with the Spartans) at Decelea in Attica.

ἡμῖν, ἐξαιτούμενοι παρ᾽ ὑμῶν τὴν ἀξίαν χάριν
ἀπολάβοιμεν. χρὴ δὲ ὑμᾶς καὶ τῶν ἄλλων ἕνεκα
τοιούτους εἶναι, γιγνώσκοντας ὅτι, ἐάν τις πρόθυμος
εἰς ὑμᾶς ᾖ, οὐ μόνον ἡμᾶς ὠφελήσετε·
ἡμῶν μὲν γὰρ καὶ πρὶν δεηθῆναι πεπείρασθε, οἷοί
ἐσμεν εἰς ὑμᾶς· τοὺς δὲ ἄλλους προθυμοτέρους
ποιήσετε, κατ᾽ ἀξίαν χαριζόμενοι, ὅσ᾽ ἄν τις ὑμᾶς
32 εὖ ποιῇ. καὶ μηδαμῶς τοῖς λέγουσι βεβαιώσητε
[161] λόγον τὸν[1] πάντων πονηρότατον· λέγεται γὰρ τοὺς
κακῶς πεπονθότας μεμνῆσθαι μᾶλλον ἢ τοὺς εὖ.
τίς γὰρ ἔτι ἐθελήσει χρηστὸς εἶναι, εἰ ἡττηθήσονται
τῶν κακῶς ὑμᾶς ποιούντων οἱ εὖ ποιοῦντες; ἔχει
33 δ᾽ ὑμῖν, ὦ ἄνδρες δικασταί, οὕτως. περὶ ἡμῶν
γάρ ἐστι ψῆφος ὑμῖν, καὶ οὐ περὶ χρημάτων. ἕως
μὲν γὰρ εἰρήνη, ἦν ἡμῖν φανερὰ οὐσία, καὶ ἦν
ὁ πατὴρ ἀγαθὸς γεωργός· ἐπειδὴ δὲ εἰσέβαλον
οἱ πολέμιοι, πάντων τούτων ἐστερήθημεν. ὥστε
αὐτῶν τούτων ἕνεκα πρόθυμοι ἦμεν[2] εἰς ὑμᾶς,
εἰδότες ὅτι χρήματα μὲν ἡμῖν οὐκ εἴη ὁπόθεν
ἐκτίσομεν, αὐτοὶ δὲ πρόθυμοι ὄντες εἰς ὑμᾶς
34 ἀξιοῦμεν εὑρίσκεσθαι χάριν. καίτοι ὁρῶμέν γ᾽
ὑμᾶς, ὦ ἄνδρες δικασταί, ἐάν τις παῖδας αὑτοῦ
ἀναβιβασάμενος κλαίῃ καὶ ὀλοφύρηται, τούς τε
παῖδας δι᾽[3] αὐτὸν εἰ ἀτιμωθήσονται ἐλεοῦντας, καὶ
ἀφιέντας τὰς τῶν πατέρων ἁμαρτίας διὰ τοὺς
παῖδας, οὓς οὔπω ἴστε εἴτε ἀγαθοὶ εἴτε κακοὶ
ἡβήσαντες γενήσονται· ἡμᾶς δ᾽ ἴστε ὅτι πρόθυμοι
γεγενήμεθα εἰς ὑμᾶς, καὶ τὸν πατέρα οὐδὲν ἡμαρτηκότα.
ὥστε πολλῷ δικαιότεροί ἐστε, ὧν πεπεί-

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[1] λόγον τὸν Markland: λεγόντων MSS.
[2] ἦμεν Thalheim: ἐσμὲν MSS.
[3] δι᾽ Hirschig: καὶ MSS.

be saved by this plea, and might obtain our due reward at your hands. And for the sake of other people also you ought to be so disposed, recognizing that, whenever zeal is shown in your service, your support will be not merely for us,—for even before making any request you have proved our attitude towards you,—but you will make the others more zealous by your bestowal of merited favour in every case of service rendered to you. And avoid giving any kind of confirmation to those who repeat the most wicked of all sayings,—that ill-treated men have better memories than the well-treated. For who will keep a loyal heart, if those who harm you are to be preferred to those who help you? What you have to do, gentlemen, is this: your decision is to be taken on us, and not on our estate. For so long as there was peace, we had a material fortune and our father was skilful in his farming; but after the invasion of the enemy, we were deprived of the whole of it. So this was the very reason why we were zealous in your service: we knew that we had no funds from which we could pay a fine, but that our personal zeal in your service entitles us to get some recompense. And yet we find, gentlemen, that when someone puts forward his children with sobs and lamentations you take pity on the children for the disfranchisement that they will owe to him; and you overlook the fathers' transgressions on account of the children, of whom you cannot yet tell whether they will grow up to be good citizens or bad. But of us you can tell that we have zealously worked in your service, and that our father is clear of any transgression. Thus you are far more justified in

ρασθε, τούτοις χαρίσασθαι, ἢ οὓς οὐκ ἴστε ὁποῖοί
35 τινες ἔσονται. πεπόνθαμεν δὲ τοὐναντίον τοῖς
ἄλλοις ἀνθρώποις. οἱ μὲν γὰρ ἄλλοι τοὺς παῖδας
παραστησάμενοι ἐξαιτοῦνται ὑμᾶς, ἡμεῖς δὲ τὸν
πατέρα τουτονὶ καὶ ἡμᾶς ἐξαιτούμεθα, μὴ ἡμᾶς
ἀντὶ μὲν ἐπιτίμων ἀτίμους ποιήσητε, ἀντὶ δὲ
πολιτῶν ἀπόλιδας· ἀλλὰ ἐλεήσατε καὶ τὸν πατέρα
γέροντα ὄντα καὶ ἡμᾶς. εἰ δὲ ἡμᾶς ἀδίκως ἀπολεῖτε,
πῶς ἢ οὗτος ἡμῖν ἡδέως συνέσται ἢ ἡμεῖς
ἀλλήλοις ἐν τῷ αὐτῷ, ὄντες ὑμῶν τε ἀνάξιοι καὶ
τῆς πόλεως; ἀλλ᾽ ὑμῶν δεόμεθα τρεῖς ὄντες
36 ἐᾶσαι ἡμᾶς ἔτι προθυμοτέρους γενέσθαι. δεόμεθα
οὖν ὑμῶν πρὸς τῶν ὑπαρχόντων ἀγαθῶν ἑκάστῳ,
ὅτῳ μὲν εἰσὶν ὑεῖς, τούτων ἕνεκα ἐλεῆσαι, ὅστις
<δ᾽>[1] ἡμῖν ἡλικιώτης τυγχάνει ἢ τῷ πατρί, ἐλεήσαντας
ἀποψηφίσασθαι· καὶ μὴ ἡμᾶς βουλομένους
εὖ ποιεῖν τὴν πόλιν ὑμεῖς κωλύσητε. δεινὰ δ᾽ ἂν
πάθοιμεν, εἰ ὑπὸ τῶν πολεμίων μὲν ἐσώθημεν, οὓς
εἰκὸς ἦν διακωλύειν μὴ σῴζεσθαι, παρ᾽ ὑμῶν δὲ
μηδὲ εὑρησόμεθα τὸ σωθῆναι.

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[1] δ᾽ add. Stephanus.

showing favour to those whose work you have tested than to those of whom you cannot tell how they will shape in the future. And our position is the contrary of that of other people: for others seek your indulgence by producing their children; but we seek it by producing our father here and ourselves, begging you not to deprive us of the rights that we now enjoy, and so leave us, your fellow-citizens, without a city. Nay, pity both our father in his old age, and us. If you ruin us unjustly, what pleasure will there be for him in our society, or for us in company with each other, when we are unworthy both of you and of the city? But all three of us beseech you to let us give yet greater proofs of our zeal. We beseech you, then, in the name of all that each of you holds dear,—if any have sons, pity us for their sake; if any is our equal, or our father's, in age, pity us and acquit us. And do not let your act frustrate our purpose of rendering service to the State. Dreadful would be our lot if, from the enemy, who might fairly have denied us safety, we yet obtained safety, but at your hands we shall fail to find salvation.

XXI. DEFENCE AGAINST A CHARGE OF TAKING BRIBES: UNDESIGNATED

INTRODUCTION

This speech, like that composed for the son of Eucrates (XVIII.), is only the conclusion of a defence of which the main and more direct argumentation does not appear. In the present piece we have merely the pleader's general justification of his personal character, so that it is not easy to determine exactly what the accusation was. In 16 the defendant implies that he is charged with retaining public money; but in 21 he begs the court not to condemn him for taking bribes, and it is this latter charge that has been attached to the piece as its title. It seems most probable that, at the usual rendering of accounts after tenure of a State office, he has been definitely accused of corruption, and has to meet a further insinuation of embezzlement. The penalty that he would incur, if found guilty, is probably a fine amounting to many times the sum or sums alleged to have been misappropriated by him: this fine he would be quite unable to pay in full, and both he and his children would consequently be deprived of their civic rights. At several points he dwells on the wretchedness of their plight, should they be unsuccessful in their present defence (11, 14, 25).

The pleader attained the adult age of eighteen in 411–410 B.C. (1): he was therefore born in 429–428.

He gives an exact account of his public services down to the year 404–403, so that we may place the date of the present action in 403–402, and fix his age now at twenty-six. In these eight years of his early manhood he has spent over ten talents on the public services which were incumbent on wealthy citizens, although less than a quarter of this expenditure would have been the normal amount. When he undertook the charge of a warship, the confidence shown by Alcibiades (of whom he is careful to state his personal dislike) proved the thoroughness of his equipment, and his vessel was one of the twelve which got away safe from the disaster at Aegospotami (405 B.C.). Instead of a positive reward for all these services, he only claims to be left in possession of his property. After the perils he has encountered in defence of the city, it is unlikely that he would take bribes to the detriment of the State. He ends with an appeal for pity towards his wife and children.

Among the interesting points of the speech are the enumeration of the sums spent by the defendant on his various public services, which included dramatic and choric performances, the equipment and conduct of war vessels, naval and athletic contests and religious missions and processions ;[a] the remark in 13 on the exhaustion of the Treasury funds ; and altogether, the skilful way in which Lysias has characterized the generous spirit of the young man, who is proud of his lavish expenditure on public ceremonies and entertainments at a time when the State is impoverished, and who expects the just reward of acquittal.

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[a] Amounting in all to 636 minae or 10½ talents,—a sum of a value between £2000 and £3000.

XXI. ΑΠΟΛΟΓΙΑ ΔΩΡΟΔΟΚΙΑΣ ΑΠΑΡΑΣΗΜΟΣ

1 Περὶ μὲν τῶν κατηγορημένων, ὦ ἄνδρες δικα-
σταί, ἱκανῶς ὑμῖν ἀποδέδεικται· ἀκοῦσαι δὲ καὶ
περὶ τῶν ἄλλων ὑμᾶς ἀξιῶ, ἵν' ἐπίστησθε περὶ
οἵου[1] τινὸς ὄντος ἐμοῦ ψηφιεῖσθε. ἐγὼ γὰρ ἐδοκι-
μάσθην μὲν ἐπὶ Θεοπόμπου ἄρχοντος, καταστὰς δὲ
χορηγὸς τραγῳδοῖς ἀνήλωσα τριάκοντα μνᾶς καὶ
τρίτῳ μηνὶ Θαργηλίοις νικήσας ἀνδρικῷ χορῷ
δισχιλίας δραχμάς, ἐπὶ δὲ Γλαυκίππου ἄρχοντος
εἰς πυρριχιστὰς Παναθηναίοις τοῖς μεγάλοις ὀκτα-
2 κοσίας. ἔτι δ' ἀνδράσι χορηγῶν εἰς Διονύσια ἐπὶ
τοῦ αὐτοῦ ἄρχοντος ἐνίκησα, καὶ ἀνήλωσα σὺν τῇ
τοῦ τρίποδος ἀναθέσει πεντακισχιλίας δραχμάς, καὶ
ἐπὶ Διοκλέους Παναθηναίοις τοῖς μικροῖς κυκλίῳ
χορῷ τριακοσίας. τὸν δὲ μεταξὺ χρόνον ἐτριηρ-
3 άρχουν ἑπτὰ ἔτη, καὶ ἓξ τάλαντα ἀνήλωσα. καὶ
τοσαύτας δαπάνας δαπανώμενος καὶ καθ' ἡμέραν
ὑπὲρ ὑμῶν κινδυνεύων καὶ ἀποδημῶν, ὅμως εἰσ-
φορὰς τὴν μὲν τριάκοντα μνᾶς τὴν δὲ τετρα-

[1] *οἵου* Markland: *ὅτου* MSS.

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[a] By the Council, in his eighteenth year: *cf.* X., *Against Theomnestus*, I. 31, p. 213.

[b] 411–410 B.C.

[c] At the festival of Apollo and Artemis, held in the month Thargelion (May-June).

[d] 410–409 B.C.

XXI. DEFENCE AGAINST A CHARGE OF TAKING BRIBES : UNDESIGNATED

In regard to the counts of the accusation, gentlemen of the jury, you have been sufficiently informed ; but I must ask your attention also for what has yet to be added, so that you may understand what kind of person I am before you give your verdict upon me. I was certified of age [a] in the archonship of Theopompus [b] : appointed to produce tragic drama, I spent thirty minae and two months later, at the Thargelia,[c] two thousand drachmae, when I won a victory with a male chorus ; and in the archonship of Glaucippus,[d] at the Great Panathenaea, eight hundred drachmae on pyrrhic [e] dancers. Besides, I won a victory with a male chorus at the Dionysia under the same archon, and spent on it, including the dedication of the tripod, five thousand drachmae ; then, in the time of Diocles,[f] three hundred on a cyclic [g] chorus at the Little Panathenaea. In the meantime, for seven years I equipped warships, at a cost of six talents. Although I have borne all these expenses, and have faced daily peril in your service abroad, I have nevertheless made contributions—one of thirty minae and another of four thousand drachmae—to special

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[e] The pyrrhic was a kind of war-dance. [f] 409–408 B.C.

[g] A circular or dithyrambic chorus, usually associated with the worship of Dionysus.

κισχιλίας δραχμὰς εἰσενήνοχα. ἐπειδὴ δὲ κατ-
έπλευσα ἐπὶ Ἀλεξίου ἄρχοντος, εὐθὺς ἐγυμνασι-
άρχουν εἰς Προμήθεια, καὶ ἐνίκων ἀναλώσας δώδεκα
4 μνᾶς. καὶ ὕστερον κατέστην χορηγὸς παιδικῷ
[162] χορῷ καὶ ἀνήλωσα πλέον ἢ πεντεκαίδεκα μνᾶς.
ἐπὶ δὲ Εὐκλείδου ἄρχοντος κωμῳδοῖς χορηγῶν
Κηφισοδώρῳ[1] ἐνίκων, καὶ ἀνήλωσα σὺν τῇ τῆς
σκευῆς ἀναθέσει ἑκκαίδεκα μνᾶς, καὶ Παναθηναίοις
τοῖς μικροῖς ἐχορήγουν πυρριχισταῖς ἀγενείοις, καὶ
5 ἀνήλωσα ἑπτὰ μνᾶς. νενίκηκα δὲ τριήρει μὲν
ἁμιλλώμενος ἐπὶ Σουνίῳ, ἀναλώσας πεντεκαίδεκα
μνᾶς· χωρὶς δὲ ἀρχιθεωρίας καὶ Ἐρρηφορίας καὶ
ἄλλα τοιαῦτα, εἰς ἃ ἐμοὶ δεδαπάνηται πλέον ἢ
τριάκοντα μναῖ. καὶ τούτων ὧν κατέλεξα, εἰ
ἐβουλόμην κατὰ τὰ γεγραμμένα ἐν τῷ νόμῳ
λῃτουργεῖν, οὐδ᾽ ἂν τὸ τέταρτον μέρος ἀνήλωσα.
6 τὸν δὲ χρόνον ὃν ἐτριηράρχουν, ἡ ναῦς ἄριστά μοι
ἔπλει παντὸς τοῦ στρατοπέδου. τεκμήριον δὲ
τούτου ὑμῖν μέγιστον ἐρῶ. πρῶτον μὲν γὰρ
Ἀλκιβιάδης, ὃν ἐγὼ περὶ πολλοῦ ἂν ἐποιησάμην
μὴ συμπλεῖν μοι, οὔτε φίλος ὢν οὔτε συγγενὴς
7 οὔτε φυλέτης ἔπλει ἐπὶ τῆς ἐμῆς νεώς. καίτοι
ὑμᾶς οἶμαι εἰδέναι ὅτι στρατηγὸς ὤν, ᾧ ἐξῆν
ποιεῖν ὅ τι ἐβούλετο, οὐκ ἄν ποτε ἀνέβη ἐπ᾽ ἄλλην
ναῦν εἰ μὴ τὴν ἄριστα πλέουσαν, μέλλων αὐτὸς
κινδυνεύσειν. ἐπειδὴ δὲ ἐκείνους μὲν ὑμεῖς

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[1] Κηφισοδώρῳ Clinton: Κηφισοδότῳ MSS.

— 405–404 B.C.

[b] Torch-races were held in honour of Prometheus.

[c] 404–403 B.C.

[d] A promontory in the south of Attica, on which there was a temple of Poseidon.

levies. As soon as I returned to these shores, in the archonship of Alexias,[a] I was producing games for the Promethea,[b] and won a victory after spending twelve minae. Then, later, I was appointed to produce a chorus of children, and spent more than fifteen minae. In the archonship of Eucleides[c] I produced comic drama for Cephisodorus and won a victory, spending on it, with the dedication of the equipment, sixteen minae; and at the Little Panathenaea I produced a chorus of beardless pyrrhic dancers, and spent seven minae.

I have won a victory with a warship in the race at Sunium,[d] spending fifteen minae; and besides I had the conduct of sacred missions and ceremonial processions[e] and other duties of the sort, for which my expenses have come to more than thirty minae. Of these sums that I have enumerated, had I chosen to limit my public services to the letter of the law, I should have spent not one quarter. During the time when I had charge of a warship, my vessel was the best found in the whole armament. And I will tell you the surest evidence of that fact: at first Alcibiades,—I would have given a great deal to prevent his sailing with me, as he was neither my friend nor my relative nor a member of my tribe,—was aboard my ship. Now I am sure you must be aware that, being a commander who was free to do as he pleased, he would never have gone aboard any but the best found vessel, when he was himself to have his part in the danger. When you removed

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[e] In this case, of maidens of the best families, who at the Panathenaea carried the sacred robe and other holy objects as offerings to Athene.

νευκὼς καὶ τοσαῦτα ἀγαθὰ εἰργασμένος τὴν πόλιν,
νυνὶ δέομαι οὐ δωρεὰν ὥσπερ ἕτεροι ἀντὶ τούτων
παρ᾿ ὑμῶν λαβεῖν, ἀλλὰ μὴ στερηθῆναι τῶν ἐμαυτοῦ,
ἡγούμενος καὶ ὑμῖν αἰσχρὸν εἶναι παρά τε ἑκόντος
12 ἐμοῦ καὶ παρ᾿ ἄκοντος λαμβάνειν. καὶ οὐ τοσοῦτόν
μοι μέλει εἴ με δεῖ τὰ ὄντα ἀπολέσαι· ἀλλ᾿ οὐκ ἂν
δεξαίμην ὑβρισθῆναι, οὐδὲ παραστῆναι τοῖς διαδυομένοις
τὰς λῃτουργίας ἐμοὶ μὲν ἀχάριστα εἶναι
τὰ εἰς ὑμᾶς ἀνηλωμένα, ἐκείνους δὲ δοκεῖν ὀρθῶς
βεβουλεῦσθαι ὅτι ὑμῖν οὐδὲν προεῖνται τῶν σφετέρων
αὐτῶν. ἐὰν οὖν ἐμοὶ πεισθῆτε, τά τε δίκαια
ψηφιεῖσθε καὶ τὰ λυσιτελοῦντα ὑμῖν αὐτοῖς αἱρήσεσθε.
13 ὁρᾶτε γάρ, ὦ ἄνδρες δικασταί, τὰ προσιόντα[1]
τῇ πόλει ὡς ὀλίγα ἐστί, καὶ ταῦτα ὡς ὑπὸ
τῶν ἐφεστηκότων ἁρπάζεται· ὥστ᾿ ἄξιον ταύτην
ἡγεῖσθαι πρόσοδον βεβαιοτάτην τῇ πόλει, τὰς
οὐσίας τῶν ἐθελόντων λῃτουργεῖν. ἐὰν οὖν εὖ
βουλεύσησθε, οὐδὲν ἧττον ἐπιμελήσεσθε τῶν ἡμετέρων
χρημάτων ἢ τῶν ἰδίων τῶν ὑμετέρων αὐτῶν,
14 εἰδότες ὅτι ἕξετε πᾶσι χρῆσθαι τοῖς ἡμετέροις
ὥσπερ καὶ πρότερον· οἶμαι δὲ πάντας ὑμᾶς ἐπίστασθαι
ὅτι τῶν ἐμῶν ἐγὼ πολὺ βελτίων ὑμῖν
ἔσομαι ταμίας τῶν τὰ τῆς πόλεως ὑμῖν ταμιευόντων.
ἐὰν δ᾿ ἐμὲ πένητα ποιήσητε, καὶ ὑμᾶς αὐτοὺς
ἀδικήσετε· ἕτεροι δὲ καὶ ταῦτα διανεμοῦνται,
ὥσπερ καὶ τἆλλα.

15 Ἄξιον δέ ἐστιν ἐνθυμηθῆναι ὅτι πολὺ μᾶλλον
μῖν προσήκει τῶν ὑμετέρων ἐμοὶ διδόναι ἢ τῶν
ῶν ἐμοὶ ἀμφισβητῆσαι, καὶ πένητα γενόμενον
αι μᾶλλον ἢ πλουτοῦντι φθονῆσαι, καὶ τοῖς
εσθαι τοὺς ἄλλους εἶναι τοιούτους πολίτας,

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[1] προσιόντα Reiske: προσόντα MSS.

and after all the services that I have rendered to the city, I now request, not a boon for my reward, as others do, but that I be not deprived of my own property; for I consider it a disgrace to you also, to take it both with my will and against my will. I do not mind so much having to lose my possessions; but I could not put up with an outrage, and the impression that it must produce on those who shirk their public services,—that while I get no credit for what I have spent on you, they prove to have been rightly advised in giving up to you no part of their own property. Now, if you will admit my plea, you will both vote what is just and choose what is to your own advantage. Do but observe, gentlemen of the jury, how slender are the revenues of the State, and how even these are pilfered by their appointed guardians: you ought, therefore, to see the surest revenue for the State in the fortunes of those who are willing to perform public services. So, if you are well advised, you will take as great care of our property as of your own personal possessions, knowing that you will be able to avail yourselves of all that we have, as you were in the past. And I think you are all aware that you will find me far superior, as controller of my property, to those who control for you the property of the State: whereas, if you impoverish me, you will wrong yourselves besides; others will divide it up amongst them, as they do the rest.

You ought also to consider that it is far more fitting for you to give me of what is yours than to dispute my claim to what is mine, and to pity me am impoverished than to envy me my weal should pray Heaven that the others may be

νευκὼς καὶ τοσαῦτα ἀγαθὰ εἰργασμένος τὴν πόλιν,
νυνὶ δέομαι οὐ δωρεὰν ὥσπερ ἕτεροι ἀντὶ τούτων
παρ᾽ ὑμῶν λαβεῖν, ἀλλὰ μὴ στερηθῆναι τῶν ἐμαυτοῦ,
ἡγούμενος καὶ ὑμῖν αἰσχρὸν εἶναι παρά τε ἑκόντος
12 ἐμοῦ καὶ παρ᾽ ἄκοντος λαμβάνειν. καὶ οὐ τοσοῦτόν
μοι μέλει εἴ με δεῖ τὰ ὄντα ἀπολέσαι· ἀλλ᾽ οὐκ ἂν
δεξαίμην ὑβρισθῆναι, οὐδὲ παραστῆναι τοῖς διαδυομένοις
τὰς λῃτουργίας ἐμοὶ μὲν ἀχάριστα εἶναι
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ὥσπερ καὶ πρότερον· οἶμαι δὲ πάντας ὑμᾶς ἐπίστασθαι
ὅτι τῶν ἐμῶν ἐγὼ πολὺ βελτίων ὑμῖν
ἔσομαι ταμίας τῶν τὰ τῆς πόλεως ὑμῖν ταμιευόντων.
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μῖν προσήκει τῶν ὑμετέρων ἐμοὶ διδόναι ἢ τῶν
ῶν ἐμοὶ ἀμφισβητῆσαι, καὶ πένητα γενόμενον
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εσθαι τοὺς ἄλλους εἶναι τοιούτους πολίτας,

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[1] προσιόντα Reiske: προσόντα MSS.

and after all the services that I have rendered to the city, I now request, not a boon for my reward, as others do, but that I be not deprived of my own property; for I consider it a disgrace to you also, to take it both with my will and against my will. I do not mind so much having to lose my possessions; but I could not put up with an outrage, and the impression that it must produce on those who shirk their public services,—that while I get no credit for what I have spent on you, they prove to have been rightly advised in giving up to you no part of their own property. Now, if you will admit my plea, you will both vote what is just and choose what is to your own advantage. Do but observe, gentlemen of the jury, how slender are the revenues of the State, and how even these are pilfered by their appointed guardians: you ought, therefore, to see the surest revenue for the State in the fortunes of those who are willing to perform public services. So, if you are well advised, you will take as great care of our property as of your own personal possessions, knowing that you will be able to avail yourselves of all that we have, as you were in the past. And I think you are all aware that you will find me far superior, as controller of my property, to those who control for you the property of the State: whereas, if you impoverish me, you will wrong yourselves besides; others will divide it up amongst them, as they do the rest.

You ought also to consider that it is far more fitting for you to give me of what is yours than to dispute my claim to what is mine, and to pity me
am impoverished than to envy me my wealt
should pray Heaven that the others may be

ἵνα τῶν μὲν ὑμετέρων[1] <μὴ>[2] ἐπιθυμήσωσι, τὰ
16 δὲ σφέτερα αὐτῶν εἰς ὑμᾶς ἀναλίσκωσιν. ἡγοῦμαι
δ', ὦ ἄνδρες δικασταί (καὶ μηδεὶς ὑμῶν ἀχθεσθῇ),
πολὺ ἂν δικαιότερον ὑμᾶς ὑπὸ τῶν ζητητῶν
ἀπογραφῆναι τὰ ἐμὰ ἔχειν, ἢ ἐμὲ νυνὶ κινδυνεύειν
ὡς τοῦ δημοσίου χρήματα ἔχοντα. τοιοῦτον γὰρ
ἐμαυτὸν τῇ πόλει παρέχω, ὥστε ἰδίᾳ μὲν τῶν
<ὄντων>[3] φείδομαι, δημοσίᾳ δὲ λῃτουργῶν ἥδομαι,
καὶ οὐκ ἐπὶ τοῖς περιοῦσι μέγα φρονῶ, ἀλλ' ἐπὶ
17 τοῖς εἰς ὑμᾶς ἀνηλωμένοις, ἡγούμενος τούτων μὲν
αὐτὸς αἴτιος εἶναι, τὴν δ' οὐσίαν ἑτέρους μοι καταλιπεῖν,
καὶ διὰ ταύτην μὲν ὑπὸ τῶν ἐχθρῶν ἀδίκως
συκοφαντεῖσθαι, δι' ἐκεῖνα δὲ ὑφ' ὑμῶν δικαίως
σῴζεσθαι. ὥστ' οὐκ ἂν εἰκότως ἕτεροί με ἐξητήσαντο
παρ' ὑμῶν, ἀλλὰ καὶ εἴ τις τῶν ἐμῶν φίλων
τοιοῦτον ἀγῶνα ἠγωνίζετο, ὑμᾶς ἂν ἠξίουν ἐμοὶ
δοῦναι τὴν χάριν, καὶ εἰ παρ' ἄλλοις ἐκινδύνευον,
18 ὑμᾶς εἶναι τοὺς δεομένους ὑπὲρ ἐμοῦ. <οὐ γὰρ
ἂν>[4] τοῦτό γε εἰπεῖν ἔχοι τις, ὡς πολλὰς ἀρχὰς
ἄρξας ἐκ τῶν ὑμετέρων ὠφέλημαι, ἢ ὡς αἰσχρὰς
δίκας δεδίκασμαι, ἢ ὡς αἰσχροῦ τινος αἴτιός εἰμι,
ἢ ὡς τὰς τῆς πόλεως συμφορὰς ἀσμένως εἶδον·
ὑπὲρ ἁπάντων δὲ καὶ <τῶν>[5] ἰδίων καὶ τῶν
δημοσίων οὕτως ἡγοῦμαί μοι πεπολιτεῦσθαι καὶ
ὑμᾶς εἰδέναι, ὥστε οὐδὲν δεῖν[6] με ἀπολογήσασθαι
19 περὶ αὐτῶν. δέομαι οὖν ὑμῶν, ὦ ἄνδρες δικασταί,
τὴν αὐτὴν νῦν περὶ ἐμοῦ γνώμην ἔχειν ἥνπερ καὶ
ἐν τῷ τέως χρόνῳ, καὶ μὴ μόνον τῶν δημοσίων
λῃτουργιῶν μεμνῆσθαι, ἀλλὰ τῶν ἰδίων ἐπι-

ετέρων Dobree: ἑτέρων mss.

[2] μὴ add. Contius.

add. Markland.

[4] οὐ γὰρ ἂν add. Dobree.

add. Bekker.

[6] δεῖν Reiske: δεῖ mss.

citizens, so that, instead of coveting your money, they may spend their own on you. In my opinion, gentlemen,—and let none of you take it ill,—there would be far more justice in your being declared by the Commissioners to be holding my property than in my being prosecuted now for holding Treasury funds. For my attitude towards the State is shown by the fact that, while I am frugal in the private use of my means, I delight in the discharge of my public duties : I take a pride, not in the residue that is left to me, but in the amounts that I have spent on you ; for I regard the latter as my own achievement, whereas my fortune was bequeathed to me by others, and if on account of this I unjustly incur the venal slander of my enemies, those expenses have justly earned my salvation at your hands. There is no good reason, therefore, why others should have interceded with you on my behalf : and indeed, if any of my friends had been involved in a similar suit, I might expect *you* to show *me* your gratitude ; and if I were being tried before another court I should look to you as the petitioners in my defence. For it can never be alleged that I have profited at your expense by the tenure of many offices, or that I have been the subject of disgraceful suits, or that I am guilty of any disgraceful act, or that I saw with delight the disasters of the city. In all my dealings, both private and public, I believe that I have shown such a character as a citizen, in a manner so well known to you, that I have no need to justify myself in those respects. I therefore request you, gentlemen of the jury, to hold the same opinion of me now as you have held hitherto, and not only to remember my public services to the State, but also to bear in

τηδευμάτων ἐνθυμεῖσθαι, ἡγουμένους ταύτην εἶναι
[τὴν][1] λῃτουργίαν ἐπιπονωτάτην, διὰ τέλους τὸν
πάντα χρόνον κόσμιον εἶναι καὶ σώφρονα καὶ μήθ'
ὑφ' ἡδονῆς ἡττηθῆναι μήθ' ὑπὸ κέρδους ἐπαρθῆναι,
ἀλλὰ τοιοῦτον παρασχεῖν ἑαυτὸν ὥστε μηδένα
τῶν πολιτῶν μήτε μέμψασθαι μήτε δίκην τολμῆσαι
προσκαλέσασθαι.

20 Οὔκουν ἄξιον, ὦ ἄνδρες δικασταί, πειθομένους
κατηγόροις τοιούτοις ἐμοῦ καταψηφίσασθαι, οἳ
περὶ ἀσεβείας μὲν ἀγωνιζόμενοι τηλικοῦτοι γεγόνασιν,
οὐκ ἂν δυνάμενοι δ' ὑπὲρ τῶν σφετέρων
ἁμαρτημάτων ἀπολογήσασθαι ἑτέρων κατηγορεῖν
τολμῶσι. καὶ ὧν Κινησίας οὕτω διακείμενος
πλείους στρατείας ἐστράτευται, οὗτοι περὶ τῶν
τῆς πόλεως ἀγανακτοῦσι. καὶ ἐξ ὧν μὲν ἡ πόλις
εὐδαίμων ἔσται, οὐ συμβάλλονται, πάντα δὲ
ποιοῦσιν ὅπως ὑμεῖς τοῖς εὖ πεποιηκόσιν ὀργισθήσεσθε.
21 οὗτοι μὲν οὖν, ὦ ἄνδρες δικασταί, ἐν
τῷ δήμῳ κατείποιεν ὑμῖν τὰ σφέτερ' αὐτῶν
ἐπιτηδεύματα· οὐ γὰρ ἂν ἔχοιμι ὅ τι τούτου μεῖζον
αὐτοῖς εὐξαίμην κακόν· ἐγὼ δ' ὑμῶν δέομαι καὶ
ἱκετεύω καὶ ἀντιβολῶ μὴ καταγνῶναι δωροδοκίαν
ἐμοῦ, μηδ' ἡγήσασθαι τοσαῦτα χρήματα εἶναι,
<δι'>[2] ἃ ἐγὼ βουληθείην ἄν τι κακὸν τῇ πόλει
22 γενέσθαι. μαινοίμην γὰρ <ἄν>,[3] ὦ ἄνδρες δικασταί,
εἰ τὴν μὲν πατρῴαν οὐσίαν φιλοτιμούμενος
εἰς ὑμᾶς ἀναλίσκοιμι, ἐπὶ δὲ τῷ τῆς πόλεως
κακῷ παρὰ τῶν ἄλλων δωροδοκοίην. ἐγὼ μὲν
οὖν, ὦ ἄνδρες δικασταί, οὐκ οἶδ' οὕστινας ἢ ὑμᾶς
ἐβουλήθην περὶ ἐμοῦ δικαστὰς γενέσθαι, εἴπερ χρὴ

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[1] τὴν del. Dobree.

mind my private propensities. Consider that the most onerous of public services is to maintain throughout one's life an orderly and self-respecting behaviour, neither overcome by pleasure nor elated by gain, but evincing such a character that one is free from complaint or the thought of a prosecution in the mind of any fellow-citizen.

It is therefore unfair, gentlemen, that you should condemn me in deference to such accusers as these, who have gone this length in contesting the charge of their own impiety, and then, as they could never clear themselves of their own offences, they have the hardihood to accuse others. Nay, Cinesias,[a] with the character that we know, has served in more campaigns than these men, who now show indignation at the city's plight! They make no contribution to any scheme for raising the fortunes of the city, but do their utmost to incense you against your benefactors. Rather is it to be wished that they, gentlemen, might recount their own proceedings to you in Assembly; for I could not find a worse fate to invoke upon them. On my own part, I request, I beseech, I supplicate you not to condemn me for venality, nor to believe that any amount of money could make me wish any ill to befall the city. For I should be a madman, gentlemen, if, after spending my patrimony upon you in the pursuit of distinction, I accepted bribes from others with the aim of injuring the State. I indeed, gentlemen, cannot think what judges I should prefer to you for the trial of my case, if one ought really to pray that the

[a] A notorious coward; see Introd. p. xviii.

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[2] δι' add. Reiske.

[3] ἂν add. Bekker.

τοὺς εὖ πεπονθότας περὶ τῶν εὖ πεποιηκότων
23 εὔχεσθαι τὴν ψῆφον φέρειν. καὶ μὲν δή, ὦ ἄνδρες
δικασταί, (ἐπιθυμῶ γὰρ καὶ τούτων μνησθῆναι)
οὐδεπώποτε λῃτουργεῖν ὑπὲρ ὑμῶν δέον <δεινὸν
ἡγούμην>,[1] εἰ τοσούτῳ πενεστέρους τοὺς παῖδας
καταλείψω, ἀλλὰ πολὺ μάλλον εἰ μὴ προθύμως
24 ποιήσω τὰ προσταχθέντα· οὐδ᾽ εἴ ποτε κινδυ-
νεύσειν ἐν ταῖς ναυμαχίαις μέλλοιμι, οὐδεπώποτ᾽
ἠλέησα οὐδ᾽ ἐδάκρυσα οὐδ᾽ ἐμνήσθην γυναικὸς
οὐδὲ παίδων τῶν ἐμαυτοῦ, οὐδ᾽ ἡγούμην δεινὸν
εἶναι εἰ τελευτήσας ὑπὲρ τῆς πατρίδος τὸν βίον
ὀρφανοὺς καὶ πατρὸς ἀπεστερημένους αὐτοὺς
[164] καταλείψω, ἀλλὰ πολὺ μᾶλλον εἰ σωθεὶς αἰσχρῶς
25 ὀνείδη καὶ ἐμαυτῷ καὶ ἐκείνοις περιάψω. ἀνθ᾽
ὧν ὑμᾶς ἀπαιτῶ νῦν τὴν χάριν, καὶ ἀξιῶ, ἐν τοῖς
κινδύνοις ἐμοῦ τοιαύτην περὶ ὑμῶν γνώμην ἔχοντος,
ὑμᾶς νυνὶ ἐν τῷ θαρραλέῳ ὄντας ἐμὲ καὶ τοὺς
παῖδας τούτους περὶ πολλοῦ ποιήσασθαι, ἡγου-
μένους ἡμῖν μὲν δεινὸν ὑμῖν δὲ αἰσχρὸν εἶναι, εἰ
ἀναγκασθησόμεθα ἐπὶ τοιαύταις αἰτίαις ἄτιμοι
γενέσθαι, ἢ στερηθέντες τῶν ὑπαρχόντων πένητες
εἶναι καὶ πολλῶν ἐνδεεῖς ὄντες περιιέναι, ἀνάξια
μὲν ἡμῶν αὐτῶν πεπονθότες, ἀνάξια δὲ τῶν εἰς
ὑμᾶς ὑπηργμένων. μηδαμῶς, ὦ ἄνδρες δικασταί·
ἀλλ᾽ ἀποψηφισάμενοι τοιούτοις ἡμῖν χρῆσθε πολί-
ταις οἷοισπερ ἐν τῷ πρόσθεν χρόνῳ.

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[1] δεινὸν ἡγούμην add. Rauchenstein: ἐμνήσθην cod. Laur.

benefited should give decision upon their benefactors. Furthermore, gentlemen,—for this is a point that I am anxious to mention,—never once when I had to perform a public service in your aid did I consider it a hardship that I should leave my children so much the poorer, but much rather that I should fail in the zealous discharge of my obligations. Nor, whenever I was about to risk my life in our sea-fights, did I once pity or bewail or mention my wife or my children, nor think it hard that, if I lost my life in my country's cause, I should leave them orphaned and bereft of their father; but hard indeed it would be if I should save myself by a shameful act and fasten reproach on them as well as myself. In return I ask from you the grace that I deserve, and I expect that, since I have shown such regard for you in times of danger, you in your present security will set a high value on me and these children, considering that it will be as disgraceful to you as terrible to us if we are to be compelled on such charges as these to lose our citizenship, or to be deprived of our present resources, and thus impoverished, and to wander about in sore straits and in a plight unworthy of ourselves and unworthy also of the services that you have received. Let it not be so, gentlemen of the jury, but decide on our acquittal, and continue to find in us the self-same kind of citizens as you have done in the past.

XXII. AGAINST THE CORN-DEALERS

INTRODUCTION

This plain, business-like speech gives us an intimate glimpse of the anxiety felt by the Athenians over their food supply about the end of the Corinthian War (386 B.C.). The importation of corn from Cyprus had become more and more irregular owing to the Persian appropriation of that island; and although the importers fixed the wholesale price as they pleased, the people had to regard their activities with complacence, and vented their feelings, when the price rose, upon the retail dealers. These men, for the most part resident aliens, worked in concert together as a guild, and their operations were subject to the control of special officers of the State, who had to enforce certain definite regulations. One of these was that no dealer could charge more than an obol above the cost-price for each "medimnus" (about a bushel and a half); another, which sought to prevent a monopoly of a large stock, forbade any dealer to purchase more than fifty "medimni" at a time. Before the present hearing of the case in a court of law, the defendants have been accused in the Council of having purchased more than the permitted amount of corn. The Council appears at this time to have had no legal power of inflicting the death penalty prescribed for this offence : the members, however, seem to have been on the point of handing over the accused—who admitted the fact—for execution, under the influence of a wave of popular indignation. But the present speaker opposed this impulse of the Council, and induced his fellow-members to let the case take a normal course. At the preliminary hearing before the Council, as no one else would do so, he preferred the accusation. He did this, he tells us, to clear himself of any suspicion of abetting the dealers, and to show that he acted solely through regard for the law and in the public interest. The result was that the case was sent for trial by an ordinary court, before whom he delivers the present accusation.

When one of the dealers is interrogated, he admits having bought more than the legal amount, but pleads that he did so on the suggestion of the magistrates concerned. The speaker then shows that this plea is untrue, and even if it were true, it would not justify the breach of the law. If the dealers say that they were acting in the public interest, to secure a good supply of corn at a low price, he points to the fact that they committed the further offence of raising the price in one day by as much as a drachma, to the disadvantage of the public. The latter part of the speech (13-22) emphasizes the impudent rapacity of the dealers, who trade on the misfortunes of the city : "in time of peace they become our besiegers" (15). An additional reason for condemning them is that they confess to having combined against the importers, who ought to be defended from their malpractices (21).

XXII. ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ

1 Πολλοί μοι προσεληλύθασιν, ὦ ἄνδρες δικασταί, θαυμάζοντες ὅτι ἐγὼ τῶν σιτοπωλῶν ἐν τῇ βουλῇ κατηγόρουν, καὶ λέγοντες ὅτι ὑμεῖς, εἰ ὡς μάλιστα αὐτοὺς ἀδικεῖν ἡγεῖσθε, οὐδὲν ἧττον καὶ τοὺς περὶ τούτων λόγους ποιουμένους συκοφαντεῖν νομίζετε. ὅθεν οὖν ἠνάγκασμαι κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἰπεῖν βούλομαι.

2 Ἐπειδὴ γὰρ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὕτως ὠργίσθησαν αὐτοῖς, ὥστε ἔλεγόν τινες τῶν ῥητόρων ὡς ἀκρίτους αὐτοὺς χρὴ τοῖς ἕνδεκα παραδοῦναι θανάτῳ ζημιῶσαι. ἡγούμενος δὲ ἐγὼ δεινὸν εἶναι τοιαῦτα ἐθίζεσθαι ποιεῖν τὴν βουλήν, ἀναστὰς εἶπον ὅτι μοι δοκοίη κρίνειν τοὺς σιτοπώλας κατὰ τὸν νόμον, νομίζων, εἰ μέν εἰσιν ἄξια θανάτου εἰργασμένοι, ὑμᾶς οὐδὲν ἧττον ἡμῶν γνώσεσθαι τὰ δίκαια, εἰ δὲ μηδὲν ἀδικοῦσιν, οὐ δεῖν αὐτοὺς ἀκρίτους ἀπολωλέναι.
3 πεισθείσης δὲ τῆς βουλῆς ταῦτα, διαβάλλειν ἐπεχείρουν με λέγοντες ὡς ἐγὼ σωτηρίας ἕνεκα τῆς τῶν σιτοπωλῶν τοὺς λόγους τούτους ἐποιούμην. πρὸς μὲν οὖν τὴν βουλήν, ὅτ᾽ ἦν αὐτοῖς ἡ κρίσις,

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[a] *i.e.*, men who, knowing the dealers were unpopular, brought charges against them hoping to be bought off. *Cf.* note, p. 518.

[b] Fifty of the five hundred members of the Council,

XXII. AGAINST THE CORN-DEALERS

Many people have come to me, gentlemen of the jury, in surprise at my accusing the corn-dealers in the Council, and telling me that you, however sure you are of their guilt, none the less regard those who deliver speeches about them as slander-mongers.[a] I therefore propose to speak first of the grounds on which I have found it necessary to accuse them.

When the Committee[b] of the time brought up their case before the Council, the anger felt against them was such that some of the orators said that they ought to be handed over without trial to the Eleven, for the penalty of death. But I, thinking it monstrous that the Council should get into the way of such practice, rose and said that in my opinion we ought to try the corn-dealers in accordance with the law; for I thought that if they had committed acts deserving of death you would be no less able than we[c] to come to a just decision, while, if they were not guilty, they ought not to perish without trial. After the Council adopted this view, attempts were made to discredit me by saying that I hoped to save the corn-dealers by these remarks. Now before the Council, when the case came up for their hearing,[d] I justified

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appointed for the management of the Assembly during a tenth part of the year.

[c] *i.e.*, the Council.

[d] As a preliminary to the trial proper.

ἔργῳ ἀπελογησάμην· τῶν γὰρ ἄλλων ἡσυχίαν
ἀγόντων ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι
φανερὸν ἐποίησα ὅτι οὐχ ὑπὲρ τούτων ἔλεγον,
4 ἀλλὰ τοῖς νόμοις τοῖς κειμένοις ἐβοήθουν. ἠρξάμην
μὲν οὖν τούτων ἕνεκα, δεδιὼς τὰς αἰτίας·
αἰσχρὸν δ'[1] ἡγοῦμαι πρότερον παύσασθαι, πρὶν ἂν
ὑμεῖς περὶ αὐτῶν ὅ τι ἂν βούλησθε ψηφίσησθε.

5 Καὶ πρῶτον μὲν ἀνάβητε. εἰπὲ σὺ ἐμοί, μέτοικος εἶ; Ναί. Μετοικεῖς δὲ πότερον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὅ τι ἂν βούλῃ; Ὡς πεισόμενος. Ἄλλο τι οὖν ἢ ἀξιοῖς[2] ἀποθανεῖν, εἴ τι πεποίηκας παρὰ τοὺς νόμους, ἐφ' οἷς θάνατος ἡ ζημία; Ἔγωγε. Ἀπόκριναι δή μοι, εἰ ὁμολογεῖς πλείω σῖτον συμπρίασθαι πεντήκοντα φορμῶν, ὧν ὁ νόμος ἐξεῖναι κελεύει. Ἐγὼ τῶν ἀρχόντων κελευόντων συνεπριάμην.

6 Ἐὰν μὲν τοίνυν ἀποδείξῃ, ὦ ἄνδρες δικασταί, ὡς ἔστι νόμος ὃς κελεύει τοὺς σιτοπώλας συνωνεῖσθαι τὸν σῖτον, ἐὰν οἱ ἄρχοντες κελεύωσιν, ἀποψηφίσασθε· εἰ δὲ μή, δίκαιον ὑμᾶς καταψηφίσασθαι. ἡμεῖς γὰρ ὑμῖν παρεσχόμεθα τὸν νόμον, ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείω σῖτον πεντήκοντα φορμῶν συνωνεῖσθαι.

7 Χρῆν μὲν τοίνυν, ὦ ἄνδρες δικασταί, ἱκανὴν εἶναι ταύτην τὴν κατηγορίαν, ἐπειδὴ οὗτος μὲν ὁμολογεῖ συμπρίασθαι, ὁ δὲ νόμος ἀπαγορεύων φαίνεται, ὑμεῖς δὲ κατὰ τοὺς νόμους ὀμωμόκατε ψηφιεῖσθαι· ὅμως δ' ἵνα πεισθῆτε ὅτι καὶ κατὰ τῶν ἀρχόντων ψεύδονται, ἀνάγκη καὶ μακρότερον

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[1] δὲ, quod est in mss. pone δεδιώς, post αἰσχρὸν transp. Dobree.

[2] ἢ ἀξιοῖς Reiske: ἀξιοῖς ἢ mss.

myself in a practical way: while the rest kept quiet, I rose and accused these men, and made it evident to all that my remarks were not made in their defence, but in support of the established laws. Well, these were my reasons for beginning my task, in fear of those incriminations; but I consider it would be disgraceful to leave off before you have given such verdict upon them as you may prefer.

So, first of all, go up on the daïs.[a] Tell me, sir, are you a resident alien? Yes. Do you reside as an alien to obey the city's laws, or to do just as you please? To obey. Must you not, then, expect to be put to death, if you have committed a breach of the laws for which death is the penalty? I must. Then answer me: do you acknowledge that you bought up corn in excess of the fifty measures[b] which the law sets as the limit? I bought it up on an order from the magistrates.

Well now, gentlemen, if he proves that there is a law which orders the corn-dealers to buy up the corn on an order from the magistrates, acquit him: if not, it is just that you should condemn him. For we have produced to you the law which forbids anyone in the city to buy up corn in excess of fifty measures.

This accusation of mine should have sufficed, gentlemen of the jury, since this man acknowledges that he bought up the corn, while the law clearly forbids him to do so; and you have sworn to decide in accordance with the laws. Nevertheless, in order that you may be convinced that they are actually traducing the magistrates, it is necessary to speak

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[a] One of the corn-dealers is made to go up on the "bema" and is questioned. *Cf.* XII. 25, p. 237; XIII. 30, p. 297.

[b] A "basket" or measure was about a bushel and a half.

8 εἰπεῖν περὶ αὐτῶν. ἐπειδὴ γὰρ οὗτοι τὴν αἰτίαν
εἰς ἐκείνους ἀνέφερον, παρακαλέσαντες τοὺς ἄρχοντας
ἠρωτῶμεν. καὶ οἱ μὲν δύο οὐδὲν ἔφασαν
εἰδέναι τοῦ πράγματος, Ἄνυτος δ' ἔλεγεν ὡς τοῦ
προτέρου χειμῶνος, ἐπειδὴ τίμιος ἦν ὁ σῖτος,
[165] τούτων ὑπερβαλλόντων ἀλλήλους καὶ πρὸς σφᾶς
αὐτοὺς μαχομένων συμβουλεύσειεν αὐτοῖς παύσασθαι
φιλονικοῦσιν, ἡγούμενος συμφέρειν ὑμῖν τοῖς
παρὰ τούτων ὠνουμένοις ὡς ἀξιώτατον τούτους
πρίασθαι· δεῖν γὰρ αὐτοὺς ὀβολῷ μόνον πωλεῖν
9 τιμιώτερον. ὡς τοίνυν οὐ συμπριαμένους καταθέσθαι
ἐκέλευεν αὐτούς, ἀλλὰ μὴ ἀλλήλοις ἀντωνεῖσθαι
συνεβούλευεν, αὐτὸν ὑμῖν Ἄνυτον μάρτυρα
παρέξομαι.

ΜΑΡΤΥΡΙΑ

Καὶ [ὡς][1] οὗτος μὲν ἐπὶ τῆς προτέρας βουλῆς τούτους εἶπε τοὺς λόγους, οὗτοι δ' ἐπὶ τῆσδε[2] συνωνούμενοι φαίνονται.

10 Ὅτι μὲν τοίνυν οὐχ ὑπὸ τῶν ἀρχόντων κελευσθέντες συνεπρίαντο τὸν σῖτον, ἀκηκόατε· ἡγοῦμαι δ', ἐὰν ὡς μάλιστα περὶ τούτων ἀληθῆ λέγωσιν, οὐχ ὑπὲρ αὐτῶν αὐτοὺς ἀπολογήσεσθαι, ἀλλὰ τούτων κατηγορήσειν· περὶ γὰρ ὧν εἰσι νόμοι διαρρήδην γεγραμμένοι, πῶς οὐ χρὴ διδόναι δίκην καὶ τοὺς μὴ πειθομένους καὶ τοὺς κελεύοντας τούτοις τἀναντία πράττειν;

11 Ἀλλὰ γάρ, ὦ ἄνδρες δικασταί, οἴομαι αὐτοὺς ἐπὶ μὲν τοῦτον τὸν λόγον οὐκ ἐλεύσεσθαι· ἴσως δ' ἐροῦσιν, ὥσπερ καὶ ἐν τῇ βουλῇ, ὡς ἐπ' εὐνοίᾳ

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[1] ὡς del. Pluygers.

[2] ἐπὶ τῆσδε Bekker: ἐπίτηδες, ἐξεπίτηδες mss.

of them at some greater length. For since these men shifted the blame on to them, we called the magistrates before us and questioned them. Two of them denied any knowledge of the matter ; but Anytus stated that in the previous winter, as the corn was dear, and these men were outbidding each other and fighting amongst themselves, he had advised them to cease their competition, judging it beneficial to you, their customers, that they should purchase at as reasonable a price as possible : for they were bound, in selling, to add no more than an obol to the price. Now, that he did not order them to buy up the corn for holding in store,[a] but only advised them not to buy against each other, I will produce to you Anytus himself as witness.

Testimonies

These statements were made by him in the time of the former Council, whereas these men evidently bought up the corn in the time of the present one.

So now you have heard that it was not on an order from the magistrates that they bought up the corn ; yet, in my opinion, however true their statements may be on these points, they will not be clearing themselves, but only accusing the magistrates. For where we have laws expressly drafted for the case, surely punishment should fall alike on those who disobey them and on those who order an infringement of them.

But in fact, gentlemen of the jury, I believe they will not have recourse to this argument, but will repeat, perhaps, what they said before the Council,—

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[a] *i.e.*, until the price was raised to their advantage.

τῆς πόλεως συνεωνοῦντο τὸν σῖτον, ἵν' ὡς ἀξιώτατον
ὑμῖν πωλοῖεν. μέγιστον δ' ὑμῖν ἐρῶ καὶ
12 περιφανέστατον τεκμήριον ὅτι ψεύδονται· ἐχρῆν
γὰρ αὐτούς, εἴπερ ὑμῶν ἕνεκα ἔπραττον ταῦτα,
φαίνεσθαι τῆς αὐτῆς τιμῆς πολλὰς ἡμέρας πωλοῦντας,
ἕως ὁ συνεωνημένος αὐτοὺς ἐπέλιπε· νῦν δ'
ἐνίοτε τῆς αὐτῆς ἡμέρας ἐπώλουν δραχμῇ τιμιώτερον,
ὥσπερ κατὰ μέδιμνον συνωνούμενοι. καὶ
13 τούτων ὑμᾶς μάρτυρας παρέχομαι. δεινὸν δέ μοι
δοκεῖ εἶναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν
δέῃ, ἣν πάντες εἴσεσθαι μέλλουσιν, οὐκ ἐθέλουσιν,
ἀλλὰ πενίαν προφασίζονται, ἐφ' οἷς δὲ θάνατός
ἐστιν ἡ ζημία καὶ λαθεῖν αὐτοῖς συνέφερε, ταῦτα
ἐπ εὐνοίᾳ φασὶ τῇ ὑμετέρᾳ παρανομῆσαι. καίτοι
πάντες ἐπίστασθε ὅτι τούτοις ἥκιστα προσήκει
14 τοιούτους ποιεῖσθαι λόγους. τἀναντία γὰρ αὐτοῖς
καὶ τοῖς ἄλλοις συμφέρει· τότε γὰρ πλεῖστα
κερδαίνουσιν, ὅταν κακοῦ τινος ἀπαγγελθέντος τῇ
πόλει τίμιον τὸν σῖτον πωλῶσιν. οὕτω δ' ἄσμενοι
τὰς συμφορὰς τὰς ὑμετέρας ὁρῶσιν, ὥστε τὰς μὲν
πρότεροι τῶν ἄλλων πυνθάνονται, τὰς δ' αὐτοὶ[1]
λογοποιοῦσιν, ἢ τὰς ναῦς διεφθάρθαι τὰς ἐν τῷ
Πόντῳ ἢ ὑπὸ Λακεδαιμονίων ἐκπλεούσας συνειλῆφθαι,
ἢ τὰ ἐμπόρια κεκλῇσθαι, ἢ τὰς σπονδὰς
μέλλειν ἀπορρηθήσεσθαι, καὶ εἰς τοῦτ' ἔχθρας
15 ἐληλύθασιν, ὥστ' ἐν τοῖς αὐτοῖς[2] καιροῖς ἐπιβουλεύουσιν
ὑμῖν, ἐν οἷσπερ οἱ πολέμιοι. ὅταν γὰρ
μάλιστα σίτου τυγχάνητε δεόμενοι, ἀναρπάζουσιν

[1] αὐτοὶ Markland: οὗτοι MSS.
[2] τοῖς αὐτοῖς Cobet: τούτοις τοῖς MSS.

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[a] *i.e.*, six times the legal profit on each measure.

that it was in kindness to the city that they bought up the corn, so that they might sell it to you at as reasonable a price as possible. But I will give you a very strong and signal proof that they are lying. If they were doing this for your benefit, they ought to have been found selling it at the same price for a number of days, until the stock that they had bought up was exhausted. But in fact they were selling at a profit of a drachma [a] several times in the same day, as though they were buying by the medimnus [b] at a time. I adduce you as witnesses of this. And it seems to me a strange thing that, when they have to contribute to a special levy of which everyone is to have knowledge, they refuse, making poverty their pretext; but illegal acts, for which death is the penalty, and in which secrecy was important to them, —these they assert that they committed in kindness to you. Yet you are all aware that they are the last persons to whom such statements are appropriate. For their interests are the opposite of other men's: they make most profit when, on some bad news reaching the city, they sell their corn at a high price. And they are so delighted to see your disasters that they either get news of them in advance of anyone else, or fabricate the rumour themselves; now it is the loss of your ships in the Black Sea, now the capture of vessels on their outward voyage by the Lacedaemonians, now the blockade of your trading ports, or the impending rupture of the truce; and they have carried their enmity to such lengths that they choose the same critical moments as your foes to overreach you. For, just when you find yourselves worst off for corn, these persons snap it up and

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[b] About the same as the phormus in § 5.

οὗτοι καὶ οὐκ ἐθέλουσι πωλεῖν, ἵνα μὴ περὶ τῆς τιμῆς διαφερώμεθα, ἀλλ' ἀγαπῶμεν ἐὰν ὁποσουτινοσοῦν πριάμενοι παρ' αὐτῶν ἀπέλθωμεν. ὥστ' ἐνίοτε εἰρήνης οὔσης ὑπὸ τούτων πολιορκούμεθα.
16 οὕτω δὲ πάλαι περὶ τῆς τούτων πανουργίας καὶ κακονοίας ἡ πόλις ἔγνωκεν, ὥστ' ἐπὶ μὲν τοῖς ἄλλοις ὠνίοις ἅπασι τοὺς ἀγορανόμους φύλακας κατεστήσατε, ἐπὶ δὲ ταύτῃ μόνῃ τῇ τέχνῃ χωρὶς σιτοφύλακας ἀποκληροῦτε· καὶ πολλάκις ἤδη παρ' ἐκείνων πολιτῶν ὄντων δίκην τὴν μεγίστην ἐλάβετε, ὅτι οὐχ οἷοί τ' ἦσαν τῆς τούτων πονηρίας ἐπικρατῆσαι. καίτοι τί χρὴ αὐτοὺς τοὺς ἀδικοῦντας ὑφ' ὑμῶν πάσχειν, ὁπότε καὶ τοὺς οὐ δυναμένους φυλάττειν ἀποκτείνετε;

17 Ἐνθυμεῖσθαι δὲ χρὴ ὅτι ἀδύνατον ὑμῖν ἐστιν ἀποψηφίσασθαι. εἰ γὰρ ἀπογνώσεσθε ὁμολογούντων αὐτῶν ἐπὶ τοὺς ἐμπόρους συνίστασθαι, δόξεθ' ὑμεῖς ἐπιβουλεύειν τοῖς εἰσπλέουσιν. εἰ μὲν γὰρ ἄλλην τινὰ ἀπολογίαν ἐποιοῦντο, οὐδεὶς ἂν εἶχε τοῖς ἀποψηφισαμένοις ἐπιτιμᾶν· ἐφ' ὑμῖν γὰρ ὁποτέροις βούλεσθε πιστεύειν· νῦν δὲ πῶς οὐ δεινὰ ἂν δόξαιτε ποιεῖν, εἰ τοὺς ὁμολογοῦντας παρανομεῖν ἀζημίους
18 ἀφήσετε; ἀναμνήσθητε δέ, ὦ ἄνδρες δικασταί, ὅτι πολλῶν ἤδη ἐχόντων ταύτην τὴν αἰτίαν, ἀρ-
[166] νουμένων δὲ[1] καὶ μάρτυρας παρεχομένων, θάνατον κατέγνωτε, πιστοτέρους ἡγησάμενοι τοὺς τῶν κατηγόρων λόγους. καίτοι πῶς ἂν οὐ θαυμαστὸν εἴη, εἰ περὶ τῶν αὐτῶν ἁμαρτημάτων δικάζοντες μᾶλλον ἐπιθυμεῖτε παρὰ τῶν ἀρνουμένων δίκην
19 λαμβάνειν; καὶ μὲν δή, ὦ ἄνδρες δικασταί, πᾶσιν ἡγοῦμαι φανερὸν εἶναι ὅτι οἱ περὶ τῶν τοιούτων

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[1] ἀρνουμένων δὲ Fuhr: λαμβάνειν MSS.

refuse to sell it, in order to prevent our disputing about the price : we are to be glad enough if we come away from them with a purchase made at any price, however high. And thus at times, although there is peace, we are besieged by these men. So long is it now that the city has been convinced of their knavery and disaffection that, while for the sale of all other commodities you have appointed the market-clerks as controllers, for this trade alone you elect special corn-controllers by lot ; and often you have been known to inflict the extreme penalty on those officials, who were citizens, for having failed to defeat the villainy of these men. Now, what should be your treatment of the actual offenders, when you put to death even those who are unable to control them ?

You should reflect that it is impossible for you to vote an acquittal. For if you reject the charge, when they admit that they are combining against the traders, you will be regarded as aiming a blow at the importers. If they were putting up some other defence, nobody could censure a verdict for acquittal ; for it rests with you to choose which side you are to believe. But, as matters stand, your action cannot but be thought extraordinary, if you dismiss unpunished those who confess to breaking the law. Remember, gentlemen of the jury, that many in the past have met this charge with denial, and have produced witnesses ; yet you have condemned them to death because you gave more credence to the statements of their accusers. But surely it would be astounding if, in passing judgement on the same offences, you are more eager to punish those who deny! And, moreover, gentlemen, I conceive it is obvious to you all that suits of this kind are of the

ἀγῶνες κοινότατοι τυγχάνουσιν ὄντες τοῖς ἐν τῇ
πόλει, ὥστε πεύσονται ἥντινα γνώμην περὶ αὐτῶν
ἔχετε, ἡγούμενοι, ἐὰν μὲν θάνατον τούτων[1] καταγνῶτε,
κοσμιωτέρους ἔσεσθαι τοὺς λοιπούς· ἐὰν
δ' ἀζημίους ἀφῆτε, πολλὴν ἄδειαν αὐτοῖς ἐψηφισμένοι
20 ἔσεσθε ποιεῖν ὅ τι ἂν βούλωνται. χρὴ δέ,
ὦ ἄνδρες δικασταί, μὴ μόνον τῶν παρεληλυθότων
ἕνεκα αὐτοὺς κολάζειν, ἀλλὰ καὶ παραδείγματος
ἕνεκα τῶν μελλόντων ἔσεσθαι· οὕτω γὰρ ἔσονται
μόγις ἀνεκτοί. ἐνθυμεῖσθε δὲ ὅτι ἐκ ταύτης τῆς
τέχνης πλεῖστοι περὶ τοῦ σώματός εἰσιν ἠγωνισμένοι·
καὶ οὕτω μεγάλα ἐξ αὐτῆς ὠφελοῦνται, ὥστε
μᾶλλον αἱροῦνται καθ' ἑκάστην ἡμέραν περὶ τῆς
ψυχῆς κινδυνεύειν ἢ παύεσθαι παρ' ὑμῶν ἀδίκως
21 κερδαίνοντες. καὶ μὲν δὴ οὐδ' ἐὰν ἀντιβολῶσιν
ὑμᾶς καὶ ἱκετεύωσι, δικαίως ἂν αὐτοὺς ἐλεήσαιτε,
ἀλλὰ μᾶλλον τῶν τε πολιτῶν οἳ διὰ τὴν τούτων
πονηρίαν ἀπέθνῃσκον, καὶ τοὺς ἐμπόρους ἐφ' οὓς[2]
οὗτοι συνέστησαν· οἷς ὑμεῖς χαριεῖσθε καὶ προθυμοτέρους
ποιήσετε, δίκην παρὰ τούτων[3] λαμβάνοντες.
εἰ δὲ μή, τίν' αὐτοὺς οἴεσθε γνώμην
ἕξειν, ἐπειδὰν πύθωνται ὅτι τῶν καπήλων οἳ
τοῖς εἰσπλέουσιν[4] ὡμολόγησαν ἐπιβουλεύειν, ἀπεψηφίσασθε;

22 Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· περὶ μὲν γὰρ τῶν
ἄλλων τῶν ἀδικούντων, ὅτε δικάζονται, δεῖ παρὰ
τῶν κατηγόρων πυθέσθαι, τὴν δὲ τούτων πονηρίαν
ἅπαντες ἐπίστασθε. ἐὰν οὖν τούτων καταψηφίσησθε,
τά τε δίκαια ποιήσετε καὶ ἀξιώτερον
τὸν σῖτον ὠνήσεσθε· εἰ δὲ μή, τιμιώτερον.

closest concern to the people of our city; and hence they will inquire what view you take of such matters, in the belief that, if you condemn these men to death, the rest will be brought to better order; while if you dismiss them unpunished, you will have voted them full licence to do just as they please. You must chastise them, gentlemen, not only on account of the past, but also to give an example for the future: even so these people will be barely tolerable. Consider that great numbers in this business have been tried for their lives: so much profit do they make by it that they choose rather to risk death every day than to cease making illicit gain out of you. Nay, more, not even if they implore and beseech you, would you be justified in taking pity on them: far rather ought you to pity those of our citizens who perished by their villainy, and the traders against whom they have combined. These you will gratify and render more zealous by punishing the accused. Otherwise, what do you suppose their feelings will be, when they learn that you have acquitted the retailers who confessed to overreaching the importers?

I do not see what more there is to say: when suits against other malefactors are heard, you have to get your information from the accusers; whereas the villainy of these men is understood by you all. So, if you convict them, you will both do justice and buy your corn at a fairer price: otherwise, it will be dearer.

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[1] *τούτων* Kayser: *αὐτῶν* MSS.

[2] *οὓς* Taylor: *οἷς* MSS.

[3] *παρὰ τούτων* Taylor: *παρ' αὐτῶν* MSS.

[4] *εἰσπλέουσιν* Reiske: *ἐκπλέουσιν* MSS.

XXIII. AGAINST PANCLEON, SHOWING THAT HE WAS NOT A PLATAEAN

INTRODUCTION

The speaker here is answering, in the few minutes allotted to him by the court, the special plea by which the defendant, Pancleon, had demurred to the jurisdiction of the Polemarch, before whom he had been charged as a resident alien with some unknown offence. His demurrer (*παραγραφή*) alleged that he was a Plataean by birth, and could therefore claim the rights of an Athenian citizen : he also called himself a townsman of Decelea in Attica. The speaker explains, by means of a rapid narrative, why this plea should be rejected. He tells how he made inquiries among people belonging to Decelea ; the only information he could get concerning Pancleon was from one man, who said that a slave of this name, who seemed to be like the defendant, had run away from him. Not long after, the accuser saw Pancleon being arrested as the slave of Nicomedes : but his friends gave security for producing him next day, when his brother would vindicate him as a freeman. But when the speaker went to see this done, instead of any attempt to vindicate him, two persons claimed him as their slave. Thereupon his friends carried him off by force, thus showing that he and they knew him to be a slave. Again, on being prosecuted by Aristodicus, Pancleon had made the same plea against the jurisdiction of the Polemarch : but this time it had been decided that he was not a Plataean, and although he had accused the witness of falsehood he went no further, was convicted, failed to pay the sum required by the judgement, and took refuge in Thebes, which (until 387 B.C.) was bitterly hostile to Plataeans.

The speech, which is certainly the work of Lysias, was probably delivered some little time before 387 B.C. The narrative part (2-11) gives us some vivid glimpses of daily life in the streets of Athens : the rather hurried conclusion (12-16) states the inferences from the facts already adduced, and deals a final blow at the pretension of Pancleon by mentioning his flight to Thebes.

XXIII. ΚΑΤΑ ΠΑΓΚΛΕΩΝΟΣ ΟΤΙ ΟΥΚ ΗΝ ΠΛΑΤΑΙΕΥΣ

1 Πολλὰ μὲν λέγειν, ὦ ἄνδρες δικασταί, περὶ τουτουὶ τοῦ πράγματος οὔτ' ἂν δυναίμην οὔτε μοι δοκεῖ δεῖν· ὡς δὲ ὀρθῶς τὴν δίκην ἔλαχον τουτῳὶ Παγκλέωνι οὐκ ὄντι Πλαταιεῖ, τοῦτο ὑμῖν πειράσομαι ἀποδεῖξαι.

2 Ὡς γὰρ ἀδικῶν με πολὺν χρόνον οὐκ ἐπαύετο, ἐλθὼν ἐπὶ τὸ γναφεῖον, ἐν ᾧ εἰργάζετο, προσεκαλεσάμην αὐτὸν πρὸς τὸν πολέμαρχον, νομίζων μέτοικον εἶναι. εἰπόντος δὲ τούτου ὅτι Πλαταιεὺς εἴη, ἠρόμην ὁπόθεν[1] δημοτεύοιτο, παραινέσαντός τινος τῶν παρόντων προσκαλέσασθαι καὶ πρὸς τὴν φυλήν, ἧστινος εἶναι σκήπτοιτο. ἐπειδὴ δὲ ἀπεκρίνατο ὅτι Δεκελειόθεν, προσκαλεσάμενος αὐτὸν
3 καὶ πρὸς τοὺς τῇ Ἱπποθωντίδι δικάζοντας, ἐλθὼν ἐπὶ τὸ κουρεῖον τὸ παρὰ τοὺς Ἑρμᾶς, οἷ Δεκελειεῖς προσφοιτῶσιν, ἠρώτων, οὕς τε ἐξευρίσκοιμι Δεκελειέων ἐπυνθανόμην εἴ τινα γιγνώσκοιεν Δεκελειόθεν δημοτευόμενον Παγκλέωνα. ἐπειδὴ δὲ οὐδεὶς ἔφασκεν γιγνώσκειν αὐτόν, πυθόμενος ὅτι

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[1] ὁπόθεν Markland: ὁπότε MSS.

XXIII. AGAINST PANCLEON, SHOWING THAT HE WAS NOT A PLATAEAN

To speak at length upon this matter, gentlemen of the jury, is both beyond my powers and, to my mind, unnecessary ; but that I am correct in obtaining leave for my suit against this man Pancleon as being no Plataean, I will attempt to prove to you.

As he continued to injure me for a long time, I went to the fuller's where he was working and summoned him before the Polemarch,[a] supposing him to be a resident alien. On his stating that he was a Plataean, I asked to what township he belonged, since one of my witnesses there advised me to summon him also before the court of the tribe of which he might pretend to be a member. When he replied "to Decelea," I summoned him before the court of the tribe Hippothontis ; I then went and asked at the barber's in the street of the Hermae,[b] where the Deceleans resort, and I inquired of such Deceleans as I could discover if they knew a certain Pancleon belonging to the township of Decelea. As nobody spoke to knowing him, and I learnt that he was then

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[a] The third archon, who had to decide whether proceedings should be taken against an alien.

[b] These figures stood in a covered way beside the market-place.

καὶ ἑτέρας δίκας τὰς μὲν φεύγοι τὰς δ' ὠφλήκοι
παρὰ τῷ πολεμάρχῳ, ἔλαχον καὶ ἐγώ.

4 Πρῶτον μὲν οὖν ὑμῖν Δεκελειέων οὓς ἠρόμην
μάρτυρας παρέξομαι, ἔπειτα δὲ καὶ τῶν ἄλλων τῶν
λαχόντων τε δίκας αὐτῷ πρὸς τὸν πολέμαρχον καὶ
καταδικασαμένων, ὅσοι τυγχάνουσι παρόντες. καί
μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

5 Ἐκ μὲν τούτων πεισθεὶς πρὸς τὸν πολέμαρχον
αὐτῷ τὴν δίκην ἔλαχον· ἐπειδὴ δέ μοι αὐτὴν ἀντεγράψατο
[167] μὴ εἰσαγώγιμον εἶναι, περὶ πολλοῦ
ποιούμενος μηδενὶ δόξαι ὑβρίζειν βούλεσθαι μᾶλλον
ἢ δίκην λαβεῖν ὧν ἠδικήθην, πρῶτον μὲν Εὐθύκριτον,
ὃν πρεσβύτατόν τε Πλαταιέων ἐγίγνωσκον
καὶ μάλιστα ᾤόμην εἰδέναι, ἠρόμην εἴ τινα γιγνώσκοι
Ἱππαρμοδώρου ὑὸν Παγκλέωνα Πλαταιέα·
6 ἔπειτα δέ, ἐπειδὴ ἐκεῖνος ἀπεκρίνατό μοι ὅτι τὸν
Ἱππαρμόδωρον μὲν γιγνώσκοι, ὑὸν δὲ ἐκείνῳ
οὐδένα οὔτε Παγκλέωνα οὔτε ἄλλον οὐδένα εἰδείη
ὄντα, ἠρώτων δὴ καὶ τῶν ἄλλων ὅσους ᾔδη Πλαταιέας
ὄντας. πάντες οὖν ἀγνοοῦντες τὸ ὄνομα
αὐτοῦ, ἀκριβέστατα ἂν ἔφασάν με πυθέσθαι ἐλθόντα
εἰς τὸν χλωρὸν τυρὸν τῇ ἔνῃ καὶ νέᾳ· ταύτῃ
γὰρ τῇ ἡμέρᾳ τοῦ μηνὸς ἑκάστου ἐκεῖσε συλλέγεσθαι
7 τοὺς Πλαταιέας. ἐλθὼν οὖν εἰς τὸν τυρὸν
ταύτῃ τῇ ἡμέρᾳ ἐπυνθανόμην αὐτῶν, εἴ τινα γιγνώσκοιεν
Παγκλέωνα πολίτην σφέτερον. καὶ οἱ
μὲν ἄλλοι οὐκ ἔφασαν γιγνώσκειν, εἷς δέ τις εἶπεν
ὅτι τῶν μὲν πολιτῶν οὐδενὶ εἰδείη τοῦτο ὂν τὸ

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[a] Which ran from a globe, measuring the time allotted to

a defendant in some other suits before the Polemarch, and had been cast in some, I took proceedings on my own part.

So now, in the first place, I will produce to you as witnesses some Deceleans whom I questioned, and after them the other persons who have taken proceedings against him before the Polemarch and have obtained a conviction,—as many as chance to be present. Please stop the water.[a]

WITNESSES

Relying on this evidence I took proceedings against him before the Polemarch: but he then put in a demurrer against the admissibility of my suit; and as I felt it important to avoid any imputation of oppressive aims, instead of a desire to get satisfaction for my wrongs, I first asked Euthycritus, whom I knew as the oldest citizen of Plataea and whom I supposed to be best informed, whether he knew a certain Pancleon, son of Hipparmodorus, a Plataean. Then, on his answering me that he knew Hipparmodorus, but was not aware of his having any son, either Pancleon or any other, I went on to ask all the other persons whom I knew as Plataeans. Well, they were all ignorant of his name; but they told me that I should get the most definite information if I went to the fresh-cheese market on the last day of the month: for on that day in each month the Plataeans collected there. So I went on that day to the cheese market and inquired of the people if they knew a certain Pancleon, their fellow-citizen. They all denied knowledge of him, except one who said that, although he knew no citizen of that name, there was

the speaker, and was stopped during the reading or speaking of evidence.

ὄνομα, δοῦλον μέντοι ἔφη ἑαυτοῦ ἀφεστῶτα εἶναι
8 Παγκλέωνα, τήν τε ἡλικίαν λέγων τὴν τούτου καὶ
τὴν τέχνην ᾗ οὗτος χρῆται. ταῦτ᾿ οὖν ὡς ἀληθῆ
ἐστι, τόν τε Εὐθύκριτον, ὃν πρῶτον ἠρόμην, καὶ
τῶν ἄλλων Πλαταιέων ὅσοις προσῆλθον, καὶ τὸν
ὃς ἔφη δεσπότης τούτου εἶναι, μάρτυρας παρέξομαι.
καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

9 Ἡμέραις τοίνυν μετὰ ταῦτα οὐ πολλαῖς ὕστερον
ἰδὼν ἀγόμενον τουτονὶ Παγκλέωνα ὑπὸ Νικομήδους,
ὃς ἐμαρτύρησεν αὐτοῦ δεσπότης εἶναι, προσῆλθον
βουλόμενος εἰδέναι ὁποῖόν τι περὶ αὐτοῦ
πραχθήσοιτο. τότε μὲν οὖν ἐπειδὴ ἐπαύσαντο
μαχόμενοι, εἶπόν τινες τῶν τούτῳ παρόντων ὅτι
εἴη αὐτῷ ἀδελφὸς ὃς ἐξαιρήσοιτο αὐτὸν εἰς ἐλευθερίαν·
10 ἐπὶ τούτοις ἐγγυησάμενοι παρέξειν εἰς
αὔριον[1] ᾤχοντο ἀπιόντες. τῇ δ᾿ ὑστεραίᾳ τῆς τε
ἀντιγραφῆς ἕνεκα ταυτησὶ καὶ αὐτῆς τῆς δίκης
ἔδοξέ μοι χρῆναι μάρτυρας λαβόντι παραγενέσθαι,
ἵν᾿ εἰδείην τόν τ᾿ ἐξαιρησόμενον αὐτὸν καὶ ὅ τι
λέγων ἀφαιρήσοιτο. ἐφ᾿ οἷς μὲν οὖν ἐξηγγυήθη,
οὔτε ἀδελφὸς οὔτε ἄλλος οὐδεὶς ἦλθε, γυνὴ δὲ
φάσκουσα αὐτῆς αὐτὸν εἶναι δοῦλον, ἀμφισβητοῦσα
11 τῷ Νικομήδει, καὶ οὐκ ἔφη ἐάσειν αὐτὸν ἄγειν.
ὅσα μὲν οὖν αὐτόθι ἐρρήθη, πολὺς ἂν εἴη μοι λόγος
διηγεῖσθαι· εἰς τοῦτο δὲ βιαιότητος ἦλθον οἵ τε
παρόντες τούτῳ καὶ αὐτὸς οὗτος, ὥστε ἐθέλοντος
μὲν τοῦ Νικομήδους ἐθελούσης δὲ τῆς γυναικὸς
ἀφιέναι, εἴ τις ἢ εἰς ἐλευθερίαν τοῦτον ‹ἀφαιροῖτο›

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[1] αὔριον Rauchenstein: ἀγορὰν mss.

a slave of his own called Pancleon, who had deserted, and he told me his age and his business, which is that of this man. To show the truth of all this, I will produce as witnesses Euthycritus whom I questioned first, all the other Plataeans to whom I applied, and the man who said he was this person's master. So please stop the water.

WITNESSES

Well then, not many days later, I saw this man Pancleon being arrested by Nicomedes, who has testified to being his master; and I went up to them, desiring to know what it could be that was going to be done with him. So, when they had ceased fighting, some of his witnesses said that he had a brother who would vindicate him as a freeman: on this understanding they gave security for producing him on the morrow, and departed and went their way. On the following day, in view of the present demurrer and the suit itself, I decided that I ought to appear there with witnesses, in order that I might know the man who was to vindicate him, and what plea he would urge for his discharge. Now, as regards the condition on which security was taken for his release, neither a brother nor anyone else appeared; but a woman asserted that he was her slave, in dispute of Nicomedes' claim, and she said that she would not allow him to be arrested. Well, to recount all that was spoken in that place would make this a long story; but with such violence did his supporters and the man himself behave that, while Nicomedes on his part, and the woman on hers, were both willing to let him go if somebody should either vindicate him as a freeman or arrest him on

ἢ ἄγοι[1] φάσκων ἑαυτοῦ δοῦλον εἶναι, τούτων οὐδὲν ποιήσαντες ἀφελόμενοι ᾤχοντο. ὡς οὖν τῇ τε προτεραίᾳ ἐπὶ τούτοις ἐξηγγυήθη καὶ τότε βίᾳ ᾤχοντο ἀφελόμενοι αὐτόν, μάρτυρας παρέξομαι ὑμῖν. καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

12 Ῥᾴδιον τοίνυν εἰδέναι ὅτι οὐδ’ αὐτὸς Παγκλέων νομίζει ἑαυτὸν μὴ ὅτι Πλαταιέα εἶναι, ἀλλ’ οὐδ’ ἐλεύθερον. ὅστις γὰρ ἐβουλήθη βίᾳ ἀφαιρεθεὶς ἐνόχους καταστῆσαι τοὺς ἑαυτοῦ ἐπιτηδείους τοῖς βιαίοις μᾶλλον ἢ κατὰ τοὺς νόμους εἰς τὴν ἐλευθερίαν ἐξαιρεθεὶς δίκην λαβεῖν παρὰ τῶν ἀγόντων αὐτόν, οὐδενὶ χαλεπὸν γνῶναι ὅτι εὖ εἰδὼς ἑαυτὸν ὄντα δοῦλον ἔδεισεν ἐγγυητὰς καταστήσας περὶ τοῦ σώματος ἀγωνίσασθαι.

13 Ὅτι μὲν οὖν Πλαταιεὺς εἶναι πολλοῦ δεῖ, οἶμαι
ὑμᾶς ἐκ τούτων σχεδόν τι γιγνώσκειν· ὅτι δὲ οὐδ’
<αὐτὸς>[2] οὗτος, ὃς ἄριστα οἶδε τὰ αὑτοῦ, ἡγήσατο
δόξαι ἂν ὑμῖν Πλαταιεὺς εἶναι, ἐξ ὧν ἔπραξε
ῥᾳδίως μαθήσεσθε. ἐν τῇ ἀντωμοσίᾳ γὰρ τῆς
δίκης ἣν αὐτῷ ἔλαχεν Ἀριστόδικος οὑτοσί, ἀμφι-
14 σβητῶν μὴ πρὸς τὸν πολέμαρχον εἶναί οἱ τὰς δίκας
διεμαρτυρήθη μὴ Πλαταιεὺς εἶναι. ἐπισκηψάμε-
νος δὲ τῷ μάρτυρι οὐκ ἐπεξῆλθεν, ἀλλ’ εἴασε
καταδικάσασθαι αὐτοῦ[3] τὸν Ἀριστόδικον. ἐπεὶ

[1] ἀφαιροῖτο ἢ ἄγοι Sauppe: ἄγοι ἢ mss.

[2] αὐτὸς add. Hertlein.

[3] αὐτοῦ Reiske: αὐτὸν mss.

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[a] In certain disputes the evidence itself sufficed for the

the claim of owning him as a slave, they did nothing of the sort, but carried him off and departed. Now, to prove that security was taken for him on that condition the day before, and that they then carried him off with them by force, I will produce to you witnesses. So please stop the water.

WITNESSES

It is easy, then, to make sure that even Pancleon himself, far from regarding himself as a Plataean, does not suppose himself to be even a freeman. For when a man has chosen, on being carried off by force, to make his own associates liable to action for assault rather than to be vindicated as a freeman by legal process and to get damages from those who were arresting him, nobody can have difficulty in perceiving that he was so conscious of his being a slave that he was afraid to provide guarantors and to face a trial concerning his civil status.

Now, that he is far from being a Plataean, I think you perceive pretty clearly from these statements; and that even the man himself, who is most fully aware of his own position, did not expect you to believe that he was a Plataean, will be readily impressed on you by his own conduct. For in his counter-deposition at the proceedings brought against him by Aristodicus, here present, when he contended that his case did not lie before the Polemarch, he was declared on evidence[a] not to be a Plataean. But although he denounced this witness, he did not pursue the matter, but allowed Aristodicus to obtain a verdict against him. And when he failed to pay on

decision, unless the convicted person could incriminate the witness: the first step to this was a denunciation (ἐπίσκηψις).

δὲ ὑπερήμερος ἐγένετο, ἐξέτισε τὴν δίκην, καθ' ὅτι ἔπειθε. καὶ τούτων, ὡς ἀληθῆ ἐστι, μάρτυρας ἐγὼ παρέξομαι ὑμῖν. καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

15 Πρὶν τοίνυν ταῦτα ὁμολογηθῆναι αὐτῷ, δεδιὼς [168] τὸν Ἀριστόδικον μεταστὰς ἐντεῦθεν Θήβησι μετῴκει. καίτοι οἶμαι εἰδέναι ὑμᾶς ὅτι εἴπερ ἦν Πλαταιεύς, πανταχοῦ μᾶλλον ἢ Θήβησιν εἰκὸς ἦν αὐτὸν μετοικῆσαι. ὡς οὖν ᾤκει <ἐκεῖ>[1] πολὺν χρόνον, τούτων ὑμῖν μάρτυρας παρέξομαι. καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

16 Ἐξαρκεῖν μοι νομίζω τὰ εἰρημένα, ὦ ἄνδρες δικασταί· ἐὰν γὰρ διαμνημονεύητε, οἶδ' ὅτι τά τε δίκαια καὶ τἀληθῆ ψηφιεῖσθε, ἃ καὶ[2] ἐγὼ ὑμῶν δέομαι.

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[1] ἐκεῖ add. Markland.

[2] ἃ καὶ Wilamowitz: καὶ ἃ MSS.

the appointed date, he discharged the debt on such terms as he could arrange. To prove the truth of all this, I will produce to you witnesses. So please stop the water.

WITNESSES

Now, before making this agreement with him, he had removed from the city through fear of Aristodicus, and was living as an alien in Thebes. But I think you understand that, if he was a Plataean, he might be expected to live as an alien anywhere rather than in Thebes. Well, to prove that he lived there a long time, I will produce to you witnesses. So please stop the water.

WITNESSES

I consider, gentlemen of the jury, that the statements I have made are sufficient. For if you will bear the whole of them in mind, I know that you will give the just and true decision, which is all I ask of you.

XXIV. ON THE REFUSAL OF A PENSION TO THE INVALID

INTRODUCTION

Every year the Council of Athens examined the claims of disabled persons who, if they could show that they were incapable of work and had insufficient means of support, were entitled by law to a pension from the State. An obol a day was the statutory amount at the time of this speech, which was probably delivered some little time after the restoration of the democracy in 403 B.C. At this annual inquiry any citizen could challenge the claims made by an applicant, and after hearing the latter's defence the Council decided whether a pension was to be continued or awarded. In the present case, a man of feeble health, who is just able to carry on some little business requiring his attendance on customers at various distances from his dwelling, argues forcibly and, at times, with sarcasm, against the statements of someone who has accused him of not being officially classed as disabled, of not being poor, and of showing a presumptuous and disorderly character. The speaker declares that the motive of the attack on him is personal envy, and relates the difficulties that he finds in carrying on even his meagre business (5-9); he then turns to the accusation that he has the insolence to ride horses, and shows that, being unable to afford a mule, he occasionally borrows a horse from a friend, so that he may get about more easily than when he limps on two sticks. He asks the Council if they are going to class him as able-bodied, and so make him eligible for the archonship (10-14). Lastly, he is too poor and old to indulge in reckless outrage: that suggestion of his adversary must be some sort of joke (15-18). If his little shop is described as a rogues' rendezvous, why not say the same of any other place where men meet for business or talk? To deprive an invalid of his pension, when his character is blameless and he has shown himself a good democrat, would be an intolerable act of injustice (19-27).

This speech displays in a remarkable degree the sympathy which enabled Lysias to enter into the humble way of life of a small, struggling tradesman, who has to conceal his uneasy sense of being able to do a certain amount of work under the brave air of a crippled man who is making a hard fight for existence. His case was probably on the border-line, and we may well feel, as many of the Council must have felt, that we should like to hear something more definite about his business and himself.

XXIV. [ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ][1] ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΩΙ ΑΡΓΥΡΙΟΝ[2]

1 Οὐ πολλοῦ δέω χάριν ἔχειν, ὦ βουλή, τῷ κατηγόρῳ, ὅτι μοι παρεσκεύασε τὸν ἀγῶνα τουτονί.
πρότερον γὰρ οὐκ ἔχων πρόφασιν ἐφ' ἧς τοῦ βίου
λόγον δοίην, νυνὶ διὰ τοῦτον εἴληφα. καὶ πειράσομαι τῷ λόγῳ τοῦτον μὲν ἐπιδεῖξαι ψευδόμενον,
ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆσδε τῆς ἡμέρας
ἐπαίνου μᾶλλον ἄξιον ἢ φθόνου· διὰ γὰρ οὐδὲν
ἄλλο μοι δοκεῖ παρασκευάσαι τόνδε μοι τὸν
2 κίνδυνον οὗτος ἢ διὰ φθόνον. καίτοι ὅστις τούτοις φθονεῖ οὓς οἱ ἄλλοι ἐλεοῦσι, τίνος ἂν ὑμῖν ὁ
τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας; εἰ μὲν γὰρ
ἕνεκα χρημάτων με συκοφαντεῖ—· εἰ δ' ὡς
ἐχθρὸν ἑαυτοῦ με τιμωρεῖται, ψεύδεται· διὰ γὰρ
τὴν πονηρίαν αὐτοῦ οὔτε φίλῳ οὔτε ἐχθρῷ πώποτε
3 ἐχρησάμην αὐτῷ. ἤδη τοίνυν, ὦ βουλή, δῆλός
ἐστι φθονῶν, ὅτι τοιαύτῃ κεχρημένος συμφορᾷ
τούτου βελτίων εἰμὶ πολίτης. καὶ γὰρ οἶμαι δεῖν,
ὦ βουλή, τὰ τοῦ σώματος δυστυχήματα τοῖς τῆς
ψυχῆς ἐπιτηδεύμασιν ἰᾶσθαι, [καλῶς].[3] εἰ γὰρ ἐξ

[1] πρὸς τὴν εἰσαγγελίαν del. Lipsius.
[2] περὶ τοῦ ἀδυνάτου Harpocration.
[3] καλῶς del. Cobet.

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[a] A poor man like the speaker was not the natural prey of a

XXIV. ON THE REFUSAL OF A PENSION TO THE INVALID

I CAN almost find it in me to be grateful to my accuser, gentlemen of the Council, for having involved me in these proceedings. For previously I had no excuse for rendering an account of my life; but now, owing to this man, I have got one. So I will try to show you in my speech that this man is lying, and that my own life until this day has been deserving of praise rather than envy; for it is merely from envy, in my opinion, that he has involved me in this ordeal. But I ask you, if a man envies those whom other people pity, from what villainy do you think such a person would refrain? Is it possible that he hopes to get money by slandering me?[a] And if he makes me out an enemy on whom he seeks to be avenged, he lies; for his villainy has always kept me from having any dealings with him either as a friend or as an enemy. So now, gentlemen, it is clear that he envies me because, although I have to bear this sore misfortune, I am a better citizen than he is. For indeed I consider, gentlemen, that one ought to remedy the afflictions of the body with the activities of the spirit; for if I am to keep my thoughts and the

slander-monger, who would hope to be bought off by a wealthy defendant.

ἴσου τῇ συμφορᾷ καὶ τὴν διάνοιαν ἕξω καὶ τὸν
ἄλλον βίον διάξω, τί τούτου διοίσω;
4 Περὶ μὲν οὖν τούτων τοσαῦτά μοι εἰρήσθω· ὑπὲρ
ὧν δέ μοι προσήκει λέγειν, ὡς ἂν οἷόν τε διὰ
βραχυτάτων ἐρῶ. φησὶ γὰρ ὁ κατήγορος οὐ
δικαίως με λαμβάνειν τὸ παρὰ τῆς πόλεως ἀργύριον·
καὶ γὰρ τῷ σώματι δύνασθαι καὶ οὐκ εἶναι
τῶν ἀδυνάτων, καὶ τέχνην ἐπίστασθαι τοιαύτην
5 ὥστε καὶ ἄνευ τοῦ διδομένου τούτου ζῆν. καὶ
τεκμηρίοις χρῆται τῆς μὲν τοῦ σώματος ῥώμης,
ὅτι ἐπὶ τοὺς ἵππους ἀναβαίνω, τῆς δ' ἐν τῇ τέχνῃ
εὐπορίας, ὅτι δύναμαι συνεῖναι δυναμένοις ἀνθρώποις
ἀναλίσκειν. τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν
καὶ τὸν ἄλλον τὸν ἐμὸν βίον, οἷος τυγχάνει,
πάντας ὑμᾶς οἴομαι γιγνώσκειν· ὅμως δὲ κἀγὼ
6 διὰ βραχέων ἐρῶ. ἐμοὶ γὰρ ὁ μὲν πατὴρ κατέλιπεν
οὐδέν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι
τρέφων τρίτον ἔτος τουτί, παῖδες δέ μοι οὔπω
εἰσὶν οἵ με θεραπεύσουσι. τέχνην δὲ κέκτημαι
βραχέα δυναμένην ὠφελεῖν, ἣν αὐτὸς μὲν ἤδη
χαλεπῶς ἐργάζομαι, τὸν διαδεξόμενον δ' αὐτὴν
οὔπω δύναμαι κτήσασθαι. πρόσοδος δέ μοι οὐκ
ἔστιν ἄλλη πλὴν ταύτης, ἣν[1] ἂν ἀφέλησθέ με,
κινδυνεύσαιμ' ἂν ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι
7 τύχῃ. μὴ τοίνυν, ἐπειδή γε ἔστιν, ὦ βουλή, σῶσαί
με δικαίως, ἀπολέσητε ἀδίκως· μηδὲ ἃ νεωτέρῳ
καὶ μᾶλλον ἐρρωμένῳ ὄντι ἔδοτε, πρεσβύτερον καὶ
ἀσθενέστερον γιγνόμενον ἀφέλησθε· μηδὲ πρότερον
καὶ περὶ τοὺς οὐδὲν ἔχοντας κακὸν ἐλεημονέστατοι
δοκοῦντες εἶναι νυνὶ διὰ τοῦτον τοὺς καὶ[2] τοῖς ἐχ-

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[1] ἣν Contius: ἧς MSS.
[2] τοὺς καὶ Reiske: καὶ τοὺς MSS.

general tenor of my life on the level of my misfortune, how shall I be distinguished from this man?

Well, in regard to those matters, let these few words of mine suffice: I will now speak as briefly as I can on the points with which I am here concerned. My accuser says that I have no right to receive my civil pension, because I am able-bodied and not classed as disabled, and because I am skilled in a trade which would enable me to live without this grant. In proof of my bodily strength, he instances that I mount on horseback; of the affluence arising from my trade, that I am able to associate with people who have means to spend. Now, as to the affluence from my trade and the nature of my livelihood in general, I think you are all acquainted with these: I will, however, make some brief remarks of my own. My father left me nothing, and I have only ceased supporting my mother on her decease two years ago; while as yet I have no children to take care of me. I possess a trade that can give me but slight assistance: I already find difficulty in carrying it on myself, and as yet I am unable to procure someone to relieve me of the work.[a] I have no other income besides this dole, and if you deprive me of it I might be in danger of finding myself in the most grievous plight. Do not, therefore, gentlemen, when you can save me justly, ruin me unjustly; what you granted me when I was younger and stronger, do not take from me when I am growing older and weaker; nor, with your previous reputation for showing the utmost compassion even towards those who are in no trouble, be moved now by this man to deal harshly

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[a] He means a slave who would learn the business and carry it on for him.

θροῖς ἐλεινοὺς ὄντας ἀγρίως ἀποδέξησθε· μηδ᾽ ἐμὲ
τολμήσαντες ἀδικῆσαι καὶ τοὺς ἄλλους τοὺς ὁμοίως
8 ἐμοὶ διακειμένους ἀθυμῆσαι ποιήσητε. καὶ γὰρ
ἂν ἄτοπον εἴη, ὦ βουλή, εἰ ὅτε μὲν ἁπλῆ μοι ἦν ἡ
συμφορά, τότε μὲν φαινοίμην λαμβάνων τὸ ἀργύριον
τοῦτο, νῦν δ᾽ ἐπειδὴ καὶ γῆρας καὶ νόσοι καὶ
[169] τὰ τούτοις ἑπόμενα[1] κακὰ προσγίγνεταί μοι, τότε
9 ἀφαιρεθείην. δοκεῖ δέ μοι τῆς πενίας τῆς ἐμῆς
τὸ μέγεθος ὁ κατήγορος ἂν ἐπιδεῖξαι σαφέστατα
μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατασταθεὶς χορηγὸς
τραγῳδοῖς προκαλεσαίμην[2] αὐτὸν εἰς ἀντίδοσιν,
δεκάκις ἂν ἕλοιτο χορηγῆσαι μᾶλλον ἢ ἀντιδοῦναι
ἅπαξ. καὶ πῶς οὐ δεινόν ἐστι νῦν μὲν κατηγορεῖν
ὡς διὰ πολλὴν εὐπορίαν ἐξ ἴσου δύναμαι συνεῖναι
τοῖς πλουσιωτάτοις, εἰ δὲ ὧν ἐγὼ λέγω τύχοι τι
γενόμενον, τοιοῦτον εἶναι; καὶ τί[3] πονηρότερον;

10 Περὶ δὲ τῆς ἐμῆς ἱππικῆς, ἧς οὗτος ἐτόλμησε
μνησθῆναι πρὸς ὑμᾶς, οὔτε τὴν τύχην δείσας οὔτε
ὑμᾶς αἰσχυνθείς, οὐ πολὺς ὁ λόγος. ἐγὼ γάρ, ὦ
βουλή, πάντας οἶμαι τοὺς ἔχοντάς τι δυστύχημα
τοῦτο[4] ζητεῖν καὶ τοῦτο φιλοσοφεῖν, ὅπως ὡς
ἀλυπότατα μεταχειριοῦνται τὸ συμβεβηκὸς πάθος.
ὧν εἷς ἐγώ, καὶ περιπεπτωκὼς τοιαύτῃ συμφορᾷ
ταύτην ἐμαυτῷ ῥᾳστώνην ἐξηῦρον εἰς τὰς ὁδοὺς
11 τὰς μακροτέρας τῶν ἀναγκαίων. ὃ δὲ μέγιστον,
ὦ βουλή, τεκμήριον ὅτι διὰ τὴν συμφορὰν ἀλλ᾽
οὐ διὰ τὴν ὕβριν, ὡς οὗτός φησιν, ἐπὶ τοὺς ἵππους

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[1] ἑπόμενα Reiske: ἐχόμενα MSS.

[2] προκαλεσαίμην Reiske: προσκαλεσαίμην MSS.

[3] τί Halm: ἔτι MSS.

[4] τοῦτο Stephanus: τοιοῦτο, τοιοῦτο ῥαστώνην τινα MSS.

with those who are objects of pity even to their enemies; nor, by having the heart to wrong me, cause everyone else in my situation to despond. And indeed, how extraordinary the case would be, gentlemen! When my misfortune was but simple, I am found to have been receiving this pension; but now, when old age, diseases, and the ills that attend on them are added to my trouble, I am to be deprived of it! The depth of my poverty, I believe, can be revealed more clearly by my accuser than by anyone else on earth. For if I were charged with the duty of producing tragic drama, and should challenge him to an exchange of property,[a] he would prefer being the producer ten times over to making the exchange once. Surely it is monstrous that he should now accuse me of having such great affluence that I can consort on equal terms with the wealthiest people, while, in the event of such a thing as I have suggested, he should make that choice. Why, what could be more villainous?

As to my horsemanship, which he has dared to mention to you, feeling neither awe of fortune nor shame before you, there is not much to tell. For I, gentlemen, am of opinion that all who suffer from some affliction make it their single aim and constant study to manage the condition that has befallen them with the least amount of discomfort. I am such an one, and in the misfortune that has stricken me I have devised this facility for myself on the longer journeys that I find necessary. But the strongest proof, gentlemen, of the fact that I mount horses because of my misfortune, and not from insolence, as this man alleges, is this: if I were a man of

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[a] See note on III. 20, p. 80.

ἀναβαίνω [ῥᾴδιόν ἐστι μαθεῖν][1]· εἰ γὰρ ἐκεκτήμην
οὐσίαν, ἐπ' ἀστράβης ἂν ὠχούμην, ἀλλ' οὐκ
ἐπὶ τοὺς ἀλλοτρίους ἵππους ἀνέβαινον· νυνὶ δ'
ἐπειδὴ τοιοῦτον οὐ δύναμαι κτήσασθαι, τοῖς ἀλλοτρίοις
12 ἵπποις ἀναγκάζομαι χρῆσθαι πολλάκις. καίτοι
πῶς οὐκ ἄτοπόν ἐστιν, ὦ βουλή, τοῦτον ἄν,[2]
εἰ μὲν ἐπ' ἀστράβης ὀχούμενον ἑώρα με, σιωπᾶν
(τί γὰρ ἂν καὶ ἔλεγεν;), ὅτι δ' ἐπὶ τοὺς ᾐτημένους
ἵππους ἀναβαίνω, πειρᾶσθαι πείθειν ὑμᾶς ὡς
δυνατός εἰμι[3]; καὶ ὅτι μὲν δυοῖν βακτηρίαιν
χρῶμαι, τῶν ἄλλων μιᾷ χρωμένων, μὴ κατηγορεῖν
ὡς καὶ τοῦτο τῶν δυναμένων ἐστίν· ὅτι δ'
ἐπὶ τοὺς ἵππους ἀναβαίνω, τεκμηρίῳ χρῆσθαι πρὸς
ὑμᾶς ὡς εἰμὶ τῶν δυναμένων; οἷς ἐγὼ διὰ τὴν
αὐτὴν αἰτίαν ἀμφοτέροις χρῶμαι.
13 Τοσοῦτον δὲ διενήνοχεν ἀναισχυντίᾳ τῶν ἁπάντων
ἀνθρώπων, ὥστε ὑμᾶς πειρᾶται πείθειν,
τοσούτους ὄντας εἷς ὤν, ὡς οὐκ εἰμὶ τῶν ἀδυνάτων
ἐγώ. καίτοι εἰ τοῦτο πείσει τινὰς ὑμῶν,
ὦ βουλή, τί με κωλύει κληροῦσθαι τῶν ἐννέα
ἀρχόντων, καὶ ὑμᾶς ἐμοῦ μὲν ἀφελέσθαι τὸν
ὀβολὸν ὡς ὑγιαίνοντος, τούτῳ δὲ ψηφίσασθαι
πάντας ὡς ἀναπήρῳ; οὐ γὰρ δήπου τὸν αὐτὸν
ὑμεῖς μὲν ὡς δυνάμενον ἀφαιρήσεσθε τὸ διδόμενον,
οἱ δὲ <θεσμοθέται>[4] ὡς ἀδύνατον ὄντα κληροῦσθαι
14 κωλύσουσιν. ἀλλὰ γὰρ οὔτε ὑμεῖς τούτῳ τὴν
αὐτὴν ἔχετε γνώμην, οὔθ' οὗτος εὖ ποιῶν. ὁ μὲν
γὰρ ὥσπερ ἐπικλήρου τῆς συμφορᾶς οὔσης ἀμφισβητήσων
ἥκει καὶ πειρᾶται πείθειν ὑμᾶς ὡς

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[1] ῥᾴδιόν ἐστι μαθεῖν del. Scheibe.

[2] ἄν Weidner: αὐτόν MSS.

[3] εἰμι Kayser: εἴην MSS.

[4] θεσμοθέται add. Frohberger.

means, I should ride on a saddled mule, and would not mount other men's horses. But in fact, as I am unable to acquire anything of the sort, I am compelled, now and again, to use other men's horses. Well, I ask you, gentlemen, is it not extraordinary that, if he saw me riding on a saddled mule, he would hold his peace,—for what could he say?[a]—and then, because I mount borrowed horses, he should try to persuade you that I am able-bodied; and that my using two sticks, while others use one, should not be argued by him against me as a sign of being able-bodied, but my mounting horses should be advanced by him as a proof to you that I am able-bodied? For I use both aids for the same reason.

So utterly has he surpassed the whole human race in impudence that he tries with his single voice to persuade you all that I am not classed as disabled. Yet if he should persuade any of you on this point, gentlemen, what hinders me from drawing a lot for election as one of the nine archons,[b] and you from depriving me of my obol as having sound health, and voting it unanimously to this man as being a cripple? For surely, after you have deprived a man of the grant as being able-bodied, the law-officers are not going to debar this same person, as being disabled, from drawing a lot! Nay, indeed, you are not of the same opinion as he is, nor is he either, and rightly so. For he has come here to dispute over my misfortune as if over an heiress, and he tries to persuade you that I am not the sort of

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[a] It would be natural for a cripple to ride about on a cheaply hired mule, if only he could afford it.

[b] The archons were appointed by lot from all the citizens, rich or poor, except, apparently, those who were formally classed as infirm.

οὐκ εἰμὶ τοιοῦτος οἷον ὑμεῖς ὁρᾶτε πάντες· ὑμεῖς
δὲ (ὃ τῶν εὖ φρονούντων ἔργον ἐστί) μᾶλλον
πιστεύετε τοῖς ὑμετέροις αὐτῶν ὀφθαλμοῖς ἢ τοῖς
τούτου λόγοις.

15 Λέγει δ' ὡς ὑβριστής εἰμι καὶ βίαιος καὶ λίαν
ἀσελγῶς διακείμενος, ὥσπερ εἰ φοβερῶς ὀνομάσειε,
μέλλων ἀληθῆ λέγειν, ἀλλ' οὐκ, ἐὰν πάνυ
πραόνως [μηδὲ ψεύδηται],[1] ταῦτα ποιήσων. ἐγὼ δ'
ὑμᾶς, ὦ βουλή, σαφῶς οἶμαι δεῖν διαγιγνώσκειν
οἷς τ' ἐγχωρεῖ τῶν ἀνθρώπων ὑβρισταῖς εἶναι
16 καὶ οἷς οὐ προσήκει. οὐ γὰρ ⟨τοὺς⟩[2] πενομένους
καὶ λίαν ἀπόρως διακειμένους ὑβρίζειν
εἰκός, ἀλλὰ τοὺς πολλῷ πλείω τῶν ἀναγκαίων
κεκτημένους· οὐδὲ τοὺς ἀδυνάτους τοῖς σώμασιν
ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν
ῥώμαις· οὐδὲ τοὺς ἤδη προβεβηκότας τῇ ἡλικίᾳ,
ἀλλὰ τοὺς ἔτι νέους καὶ νέαις ταῖς διανοίαις χρωμένους.
17 οἱ μὲν γὰρ πλούσιοι τοῖς χρήμασιν ἐξωνοῦνται
τοὺς κινδύνους, οἱ δὲ πένητες ὑπὸ τῆς
παρούσης ἀπορίας σωφρονεῖν ἀναγκάζονται· καὶ
οἱ μὲν νέοι συγγνώμης ἀξιοῦνται τυγχάνειν παρὰ
τῶν πρεσβυτέρων, τοῖς δὲ πρεσβυτέροις[3] ἐξαμαρτάνουσιν
18 ὁμοίως ἐπιτιμῶσιν ἀμφότεροι· καὶ
τοῖς μὲν ἰσχυροῖς ἐγχωρεῖ μηδὲν αὐτοῖς πάσχουσιν,
οὓς ἂν βουληθῶσιν, ὑβρίζειν, τοῖς δὲ ἀσθενέσιν
οὐκ ἔστιν οὔτε ὑβριζομένοις ἀμύνεσθαι τοὺς ὑπάρξαντας
οὔτε ὑβρίζειν βουλομένοις περιγίγνεσθαι
[170] τῶν ἀδικουμένων. ὥστε μοι δοκεῖ ὁ κατήγορος
εἰπεῖν περὶ τῆς ἐμῆς ὕβρεως οὐ σπουδάζων, ἀλλὰ
παίζων, οὐδ' ὑμᾶς πεῖσαι βουλόμενος ὡς εἰμὶ
τοιοῦτος, ἀλλ' ἐμὲ κωμῳδεῖν βουλόμενος, ὥσπερ
τι καλὸν ποιῶν.

man that you all see me to be; but you—as is incumbent on men of good sense—have rather to believe your own eyes than this person's words.

He says that I am insolent, savage, and utterly abandoned in my behaviour, as though he needed the use of terrifying terms to speak the truth, and could not do it in quite gentle language. But I expect you, gentlemen, to distinguish clearly between those people who are at liberty to be insolent and those who are debarred from it. For insolence is not likely to be shown by poor men labouring in the utmost indigence, but by those who possess far more than the necessaries of life; nor by men disabled in body, but by those who have most reason to rely on their own strength; nor by those already advanced in years, but by those who are still young and have a youthful turn of mind. For the wealthy purchase with their money escape from the risks that they run, whereas the poor are compelled to moderation by the pressure of their want. The young are held to merit indulgence from their elders; but if their elders are guilty of offence, both ages unite in reproaching them. The strong are at liberty to insult whomsoever they will with impunity, but the weak are unable either to beat off their aggressors when insulted, or to get the better of their victims if they choose to insult. Hence it seems to me that my accuser was not serious in speaking of my insolence, but was only jesting: his purpose was, not to persuade you that such is my nature, but to set me in a comic light, as a fine stroke of fancy.

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[1] *μηδὲ ψεύδηται* del. Kayser.

[2] *τοὺς* add. Reiske.

[3] *πρεσβυτέροις* Frohberger: *ἑτέροις* MSS.

19 Ἔτι δὲ καὶ συλλέγεσθαί φησιν ἀνθρώπους ὡς
ἐμὲ πονηροὺς καὶ πολλούς, οἳ τὰ μὲν ἑαυτῶν
ἀνηλώκασι, τοῖς δὲ τὰ σφέτερα σῴζειν βουλομένοις
ἐπιβουλεύουσιν. ὑμεῖς δὲ ἐνθυμήθητε πάντες
ὅτι ταῦτα λέγων οὐδὲν ἐμοῦ κατηγορεῖ μᾶλλον ἢ
τῶν ἄλλων ὅσοι τέχνας ἔχουσιν οὐδὲ τῶν ὡς ἐμὲ
εἰσιόντων μᾶλλον ἢ τῶν ὡς τοὺς ἄλλους δημιουργούς.
20 ἕκαστος γὰρ ὑμῶν εἴθισται προσφοιτᾶν
ὁ μὲν πρὸς μυροπώλιον, ὁ δὲ πρὸς κουρεῖον, ὁ δὲ
πρὸς σκυτοτομεῖον, ὁ δ᾽ ὅποι ἂν τύχῃ, καὶ πλεῖστοι
μὲν ὡς τοὺς ἐγγυτάτω τῆς ἀγορᾶς κατεσκευασμένους,
ἐλάχιστοι δὲ ὡς τοὺς πλεῖστον
ἀπέχοντας αὐτῆς· ὥστ᾽ εἴ τις ὑμῶν πονηρίαν
καταγνώσεται τῶν ὡς ἐμὲ εἰσιόντων, δῆλον ὅτι
καὶ τῶν παρὰ τοῖς ἄλλοις διατριβόντων· εἰ δὲ
κἀκείνων, ἁπάντων Ἀθηναίων· ἅπαντες γὰρ εἴθισθε
προσφοιτᾶν καὶ διατρίβειν ἁμοῦ[1] γέ που.
21 Ἀλλὰ γὰρ οὐκ οἶδ᾽ ὅ τι δεῖ λίαν με ἀκριβῶς ἀπολογούμενον
πρὸς ἓν ἕκαστον ὑμῖν τῶν εἰρημένων
ἐνοχλεῖν πλείω χρόνον. εἰ γὰρ ὑπὲρ τῶν μεγίστων
εἴρηκα, τί δεῖ περὶ τῶν φαύλων ὁμοίως τούτῳ[2]
σπουδάζειν; ἐγὼ δ᾽ ὑμῶν, ὦ βουλή, δέομαι
πάντων τὴν αὐτὴν ἔχειν περὶ ἐμοῦ διάνοιαν,
22 ἥνπερ καὶ πρότερον. μηδ᾽ οὗ μόνου[3] μεταλαβεῖν
ἔδωκεν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου διὰ
τουτονὶ ἀποστερήσητέ με· μηδ᾽ ἃ πάλαι κοινῇ
πάντες ἔδοτέ μοι, νῦν οὗτος εἷς ὢν πείσῃ πάλιν
ὑμᾶς ἀφελέσθαι. ἐπειδὴ γάρ, ὦ βουλή, τῶν
μεγίστων [ἀρχῶν][4] ὁ δαίμων ἀπεστέρησεν ἡμᾶς,

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[1] ἁμοῦ Bekker: ἄλλου MSS.

[2] *φαύλων ὁμοίως τούτῳ* Dobree: *ὁμοίως τούτῳ φαύλων* MSS.

[3] *μόνου* Markland: *μόνον* MSS.

[4] *ἀρχῶν* del. Frohberger.

He further asserts that my shop is the meeting-place of a number of rogues who have spent their own money and hatch plots against those who wish to preserve theirs. But you must all take note that these statements of his are no more accusations against me than against anyone else who has a trade, nor against those who visit my shop any more than those who frequent other men of business. For each of you is in the habit of paying a call at either a perfumer's or a barber's or a shoemaker's shop, or wherever he may chance to go,—in most cases, it is to the tradesmen who have set up nearest the market-place, and in fewest, to those who are farthest from it. So if any of you should brand with roguery the men who visit my shop, clearly you must do the same to those who pass their time in the shops of others; and if to them, to all the Athenians: for you are all in the habit of paying a call and passing your time at some shop or other.

But really I see no need for me to be so very particular in rebutting each one of the statements that he has made, and to weary you any longer. For if I have argued the principal points, what need is there to dwell seriously on trifles in the same way as he does? But I beg you all, gentlemen of the Council, to hold the same views concerning me as you have held till now. Do not be led by this man to deprive me of the sole benefit in my country of which fortune has granted me a share, nor let this one person prevail on you to withdraw now what you all agreed to grant me in the past. For, gentlemen, since Heaven had deprived us [a] of the chiefest things, the city voted

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[a] The speaker here solemnly appeals for himself as one of an unfortunate class.

ἡ πόλις ἡμῖν ἐψηφίσατο τοῦτο τὸ ἀργύριον,
ἡγουμένη κοινὰς εἶναι τὰς τύχας τοῖς ἅπασι καὶ
23 τῶν κακῶν καὶ τῶν ἀγαθῶν. πῶς οὖν οὐκ ἂν
δειλαιότατος[1] εἴην, εἰ τῶν μὲν καλλίστων καὶ
μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἴην,
ἃ δ' ἡ πόλις ἔδωκε προνοηθεῖσα τῶν οὕτως διακειμένων,
διὰ τὸν κατήγορον ἀφαιρεθείην; μηδαμῶς,
ὦ βουλή, ταύτῃ θῆσθε τὴν ψῆφον. διὰ τί
24 γὰρ ἂν καὶ τύχοιμι τοιούτων ὑμῶν; πότερον ὅτι
δι' ἐμέ τις εἰς ἀγῶνα πώποτε καταστὰς ἀπώλεσε
τὴν οὐσίαν; ἀλλ' οὐδ' ἂν εἷς ἀποδείξειεν. ἀλλ'
ὅτι πολυπράγμων εἰμὶ καὶ θρασὺς καὶ φιλαπεχθήμων;
25 ἀλλ' οὐ τοιαύταις ἀφορμαῖς τοῦ βίου
πρὸς τὰ τοιαῦτα τυγχάνω χρώμενος. ἀλλ' ὅτι
λίαν ὑβριστὴς καὶ βίαιος; ἀλλ' οὐδ' ἂν αὐτὸς
φήσειεν, εἰ μὴ βούλοιτο καὶ τοῦτο ψεύδεσθαι τοῖς
ἄλλοις ὁμοίως. ἀλλ' ὅτι ἐπὶ τῶν τριάκοντα
γενόμενος ἐν δυνάμει κακῶς ἐποίησα πολλοὺς τῶν
πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέρου πλήθους ἔφυγον
εἰς Χαλκίδα [τὴν ἐπ' Εὐρίπῳ],[2] καὶ ἐξόν μοι μετ'
ἐκείνων ἀδεῶς πολιτεύεσθαι, μεθ' ὑμῶν εἱλόμην
26 κινδυνεύειν ἀπελθών.[3] μὴ τοίνυν, ὦ βουλή, μηδὲν
ἡμαρτηκὼς ὁμοίων[4] ὑμῶν τύχοιμι τοῖς πολλὰ
ἠδικηκόσιν, ἀλλὰ τὴν αὐτὴν ψῆφον θέσθε περὶ
ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὔτε
χρήματα διαχειρίσας τῆς πόλεως δίδωμι λόγον
αὐτῶν, οὔτε ἀρχὴν ἄρξας οὐδεμίαν εὐθύνας ὑπέχω
νῦν αὐτῆς, ἀλλὰ περὶ ὀβολοῦ μόνον ποιοῦμαι τοὺς

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[1] δειλαιότατος Markland: δικαιότατος MSS.

[2] τὴν ἐπ' Εὐρίπῳ del. Frohberger.

[3] ἀπελθών Baeker: ἀπάντων MSS.

[4] ὁμοίων Contius: ὁμοίως MSS.

us this pension, regarding the chances of evil and of good as the same for all alike. Surely I should be the most miserable of creatures if, after being deprived by my misfortune of the fairest and greatest things, the accuser should cause me the loss of that which the city bestowed in her thoughtful care for men in my situation. No, no, gentlemen; you must not vote that way. And why should I find you thus inclined? Because anyone has ever been brought to trial at my instance and lost his fortune? There is nobody who can prove it. Well, is it that I am a busybody, a hothead, a seeker of quarrels? That is not the sort of use I happen to make of such means of subsistence as I have. That I am grossly insolent and savage? Even he would not allege this himself, except he should wish to add one more to the series of his lies. Or that I was in power at the time of the Thirty, and oppressed a great number of the citizens? But I went into exile with your people to Chalcis,[a] and when I was free to live secure as a citizen with those persons[b] I chose to depart and share your perils. I therefore ask you, gentlemen of the Council, not to treat me, a man who has committed no offence, in the same way as those who are guilty of numerous wrongs, but to give the same vote as the other Councils[c] did on my case, remembering that I am neither rendering an account of State moneys placed in my charge, nor undergoing now an inquiry into my past proceedings in any office, but that the subject of this speech of mine is merely an obol. In

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[a] In Euboea, 404 B.C.

[b] *i.e.*, the Thirty.

[c] *i.e.*, the Councils of previous years by which he had been certified as infirm.

27 λόγους. καὶ οὕτως ὑμεῖς μὲν τὰ δίκαια γνώσεσθε πάντες, ἐγὼ δὲ τούτων ὑμῖν τυχὼν ἕξω τὴν χάριν, οὗτος δὲ τοῦ λοιποῦ μαθήσεται μὴ τοῖς ἀσθενεστέροις ἐπιβουλεύειν ἀλλὰ τῶν ὁμοίων αὑτῷ περιγίγνεσθαι.

this way you will all give the decision that is just, while I, in return for that, will feel duly grateful to you ; and this man will learn in the future not to scheme against those who are weaker than himself, but only to overreach his equals.

XXV. DEFENCE AGAINST A CHARGE OF SUBVERTING THE DEMOCRACY

INTRODUCTION

The person for whom this speech was written does not appear, as the probably spurious title would indicate, to have been formally charged with treason against the democracy : he makes no reference to any definite punishment awaiting him if he should lose his case ; he is evidently concerned merely to show that he was not an active supporter of the Thirty, and to claim enjoyment of the full rights of a citizen (3, 14). We may conclude, therefore, that he is defending himself against information laid before an ordinary court, in which he is undergoing a scrutiny of his past conduct before qualifying for some public office.

We have seen, in connexion with the speech *Against Erastosthenes* (XII.), that the Thirty and their oligarchical friends retired to Eleusis after the restoration of the democracy in 403 B.C. Three years later the Athenian people, still haunted by suspicions and fears of oligarchical intrigue, attacked Eleusis, captured and put to death its leading officers, and made terms of reconciliation with the remaining oligarchs. It would seem that this speech was delivered shortly after that final consolidation of the democracy, about 399 B.C., and also that, in spite of the amnesty which had been arranged, and which was honourably observed on the whole, any man who had remained in the city during the Terror of the Thirty was still exposed to disparagement and the threat of political disability. The speaker has clearly been inclined to sympathize with the oligarchs, but he has held no office under the Thirty, and had no seat on their subservient Council. He maintains that it was not to his interest to support oligarchy (1-11); that he has served the Athenian people as a loyal citizen (12-13); and that he only stayed in the city to preserve his property (18). He returns continually to the point that he was innocent of any wrongdoing under the Thirty, and reminds the democracy of its hopes and professions of concord (27). He ends with a denunciation of scheming and revengeful persons who carry the methods of oligarchy into the newly recovered freedom of the democracy, and create disunion by making malicious attacks on innocent citizens (28-34).

The speech is vigorously written, but not strong in arrangement nor specially brilliant in style. Perhaps Lysias, who composed his own oration *Against Eratosthenes* with such force of argument and pathos, could summon only a moderate warmth for his defence of this time-serving citizen. The conclusion of the speech is missing through the loss of eight pages of the Palatine manuscript, which contained also a whole speech, *Against Nicides*, and the beginning of the next that we possess, *On the Scrutiny of Evandros* (XXVI.).

[171] XXV. ΔΗΜΟΥ ΚΑΤΑΛΥΣΕΩΣ ΑΠΟΛΟΓΙΑ

1 Ὑμῖν μὲν πολλὴν συγγνώμην ἔχω, ὦ ἄνδρες
δικασταί, ἀκούουσι τοιούτων λόγων καὶ ἀναμιμνῃσκομένοις
τῶν γεγενημένων, ὁμοίως ἅπασιν
ὀργίζεσθαι τοῖς ἐν ἄστει μείνασι· τῶν δὲ κατηγόρων
θαυμάζω, οἳ ἀμελοῦντες τῶν οἰκείων τῶν
ἀλλοτρίων ἐπιμέλονται, εἰ[1] σαφῶς εἰδότες τοὺς
μηδὲν[2] ἀδικοῦντας καὶ τοὺς πολλὰ ἐξημαρτηκότας
ζητοῦσι [κερδαίνειν ἢ][3] ὑμᾶς πείθειν περὶ ἁπάντων
2 ἡμῶν τὴν γνώμην ταύτην ἔχειν. εἰ μὲν οὖν οἴονται,
ὅσα[4] ὑπὸ τῶν τριάκοντα γεγένηται τῇ πόλει, ἐμοῦ
κατηγορηκέναι, ἀδυνάτους αὐτοὺς ἡγοῦμαι λέγειν·
οὐδὲ γὰρ πολλοστὸν μέρος τῶν ἐκείνοις πεπραγμένων
εἰρήκασιν· εἰ δὲ ὡς ἐμοί τι προσῆκον περὶ
αὐτῶν ποιοῦνται τοὺς λόγους, ἀποδείξω τούτους
μὲν ἅπαντα[5] ψευδομένους, ἐμαυτὸν δὲ τοιοῦτον
ὄντα οἷόσπερ ἂν τῶν ἐκ Πειραιῶς <ὁ>[6] βέλτιστος
3 ἐν ἄστει μείνας ἐγένετο. δέομαι δ' ὑμῶν, ὦ
ἄνδρες δικασταί, μὴ τὴν αὐτὴν γνώμην ἔχειν τοῖς
συκοφάνταις. τούτων μὲν γὰρ ἔργον ἐστὶ καὶ
τοὺς μηδὲν ἡμαρτηκότας εἰς αἰτίαν καθιστάναι
(ἐκ τούτων γὰρ ἂν μάλιστα χρηματίζοιντο),

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[1] εἰ Reiske: οἳ MSS.

[2] μηδὲν Reiske: μὲν MSS.

[3] κερδαίνειν ἢ del. Dobree.

[4] ὅσα Herwerden: ἃ MSS.

[5] ἅπαντα Stephanus: ἅπαντας MSS.

[6] ὁ add. Reiske.

XXV. DEFENCE AGAINST A CHARGE OF SUBVERTING THE DEMOCRACY

I CAN find full excuse for you, gentlemen of the jury, if on hearing such statements and remembering past events you are equally incensed against all those who remained in the city. But I am surprised at my accusers: they neglect their own concerns to attend to those of others, and now, though they know for certain who are guilty of nothing and who have committed many offences, they seek to persuade you into holding this same opinion about us all. Now, if they conceive that they have charged me with everything that the city has suffered at the hands of the Thirty, I consider them to be speakers of no ability; for they have not mentioned so much as a small fraction of what has been perpetrated by those men. But if their statements imply that I had any connexion with those things, I shall prove that their words are nothing but lies, and that on my part I behaved as the best citizen in the Peiraeus would have done, if he had remained in the city. I beg you, gentlemen, not to share the views of the slander-mongers. Their business is to inculpate even those who have committed no offence,—for it is out of them especially that they would make money,[a]—while

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[a] An inoffensive, peaceable man would usually prefer paying an informer blackmail to undergoing the trouble and risk of a legal action. *Cf.* Xenophon, *Mem.* ii. 9. 1.

ὑμέτερον δὲ τοῖς μηδὲν ἀδικοῦσιν ἐξ ἴσου τῆς πολιτείας μεταδιδόναι· οὕτω γὰρ ἂν τοῖς καθεστηκόσι πράγμασι πλείστους συμμάχους ἔχοιτε.

4 ἀξιῶ δέ, ὦ ἄνδρες δικασταί, ἐάνπερ φανῶ[1] συμφορᾶς μὲν μηδεμιᾶς αἴτιος γεγενημένος, πολλὰ δὲ κἀγαθὰ εἰργασμένος τὴν πόλιν καὶ τῷ σώματι καὶ τοῖς χρήμασι, ταῦτα γοῦν μοι παρ᾽ ὑμῶν ὑπάρχειν, ὧν οὐ μόνον τοὺς εὖ πεποιηκότας ἀλλὰ καὶ τοὺς μηδὲν ἀδικοῦντας τυγχάνειν δίκαιόν ἐστι.

5 μέγα μὲν οὖν ἡγοῦμαί <μοι>[2] τεκμήριον εἶναι, ὅτι, εἴπερ ἐδύναντο οἱ κατήγοροι ἰδίᾳ με ἀδικοῦντα ἐξελέγξαι, οὐκ ἂν τὰ τῶν τριάκοντα ἁμαρτήματα ἐμοῦ κατηγόρουν, οὐδ᾽ ἂν ᾤοντο χρῆναι ὑπὲρ τῶν ἐκείνοις πεπραγμένων ἑτέρους διαβάλλειν, ἀλλ᾽ αὐτοὺς τοὺς ἀδικοῦντας τιμωρεῖσθαι· νῦν δὲ νομίζουσι τὴν πρὸς ἐκείνους ὀργὴν ἱκανὴν εἶναι καὶ τοὺς μηδὲν κακὸν εἰργασμένους ἀπολέσαι.

6 ἐγὼ δὲ οὐχ ἡγοῦμαι δίκαιον εἶναι οὔτε εἴ τινες τῇ πόλει πολλῶν ἀγαθῶν αἴτιοι γεγένηνται, ἄλλους τινὰς ὑπὲρ τούτων τιμὴν ἢ χάριν κομίσασθαι παρ᾽ ὑμῶν, οὔτ᾽ εἴ τινες πολλὰ κακὰ εἰργασμένοι εἰσίν, εἰκότως ἂν δι᾽ ἐκείνους τοὺς μηδὲν ἀδικοῦντας ὀνείδους καὶ διαβολῆς τυγχάνειν· ἱκανοὶ γὰρ οἱ ὑπάρχοντες ἐχθροὶ τῇ πόλει καὶ μέγα κέρδος νομίζοντες εἶναι τοὺς ἀδίκως ἐν ταῖς διαβολαῖς καθεστηκότας.

7 Πειράσομαι δ᾽ ὑμᾶς διδάξαι, οὓς ἡγοῦμαι τῶν πολιτῶν προσήκειν ὀλιγαρχίας ἐπιθυμεῖν καὶ <οὓς>[3] δημοκρατίας. ἐκ τούτου γὰρ καὶ ὑμεῖς γνώσεσθε,

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[1] ἐάνπερ φανῶ Dobree ἐὰν ἀποφανῶ MSS.

yours is to allow an equal enjoyment of civic rights to those who have done no wrong; for in this way you will secure to the established constitution the greatest number of allies. And I claim, gentlemen, if I am found to have been the cause of none of our disasters, but rather to have performed many services to the State with both my person and my purse, that at any rate I should have that support from you which is the just desert, not merely of those who have served you well, but also of those who have done you no wrong. Now, I consider that I have a strong justification in the fact that, if my accusers were able to convict me of wrongdoing in private life, they would not charge me with the misdeeds of the Thirty: they would not see occasion to traduce others on the score of what those persons have perpetrated, but only to requite the actual wrongdoers. But in fact they conceive that your resentment against those men is sufficient to involve in their ruin those who have done no harm at all. I, however, hold that, just as it would be unfair, when some men have been the source of many benefits to the city, to let others carry off the reward of your honours or your thanks, so it is unreasonable, when some have continually done you harm, that their acts should bring reproach and slander upon those who have done no wrong. The city has enough enemies already existing, who count it a great gain to have people brought up on slanderous charges.

I will now try to explain to you who of the citizens are inclined, in my view, to court oligarchy, and who democracy. This will serve as a basis both for your

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[2] μοι add. Frohberger.

[3] οὓς add. Contius.

κἀγὼ περὶ ἐμαυτοῦ τὴν ἀπολογίαν ποιήσομαι,
ἀποφαίνων ὡς οὔτε ἐξ ὧν ἐν δημοκρατίᾳ οὔτε ἐξ
ὧν ἐν ὀλιγαρχίᾳ πεποίηκα, οὐδέν μοι προσῆκον
8 κακόνουν εἶναι τῷ πλήθει τῷ ὑμετέρῳ. πρῶτον
μὲν οὖν ἐνθυμηθῆναι χρὴ ὅτι οὐδείς ἐστιν ἀνθρώπων
φύσει οὔτε ὀλιγαρχικὸς οὔτε δημοκρατικός,
ἀλλ' ἥτις ἂν ἑκάστῳ πολιτεία συμφέρῃ,
ταύτην προθυμεῖται καθεστάναι[1]· ὥστε οὐκ ἐλάχιστον
ἐν ὑμῖν ἐστι μέρος ὡς πλείστους ἐπιθυμεῖν
τῶν παρόντων νυνὶ πραγμάτων. καὶ ταῦτα ὅτι
οὕτως ἔχει, οὐ χαλεπῶς ἐκ τῶν πρότερον γεγενημένων
9 μαθήσεσθε. σκέψασθε γάρ, ὦ ἄνδρες
δικασταί, τοὺς προστάντας ἀμφοτέρων <τῶν>[2]
πολιτειῶν, ὁσάκις δὴ μετεβάλοντο. οὐ Φρύνιχος
μὲν καὶ Πείσανδρος καὶ οἱ μετ' ἐκείνων δημαγωγοί,
ἐπειδὴ πολλὰ εἰς ὑμᾶς ἐξήμαρτον, τὰς περὶ τούτων
δείσαντες τιμωρίας τὴν προτέραν ὀλιγαρχίαν
κατέστησαν, πολλοὶ δὲ τῶν τετρακοσίων μετὰ τῶν
ἐκ Πειραιῶς συγκατῆλθον, ἔνιοι δὲ τῶν ἐκείνους
ἐκβαλόντων αὐτοὶ αὖθις[3] τῶν τριάκοντα ἐγένοντο;
[172] εἰσὶ δὲ οἵτινες τῶν Ἐλευσῖνάδε ἀπογραψαμένων,
ἐξελθόντες μεθ' ὑμῶν, ἐπολιόρκουν τοὺς[4] μεθ' αὐτῶν.
10 οὔκουν χαλεπὸν γνῶναι, ὦ ἄνδρες δικασταί,
ὅτι οὐ περὶ πολιτείας εἰσὶν αἱ πρὸς ἀλλήλους
διαφοραί, ἀλλὰ περὶ τῶν ἰδίᾳ συμφερόντων ἑκάστῳ.
ὑμᾶς οὖν χρὴ ἐκ τούτων δοκιμάζειν τοὺς πολίτας,
σκοποῦντας μὲν ὅπως ἦσαν ἐν τῇ δημοκρατίᾳ
πεπολιτευμένοι, ζητοῦντας δὲ εἴ τις αὐτοῖς ἐγίγνετο
ὠφέλεια τῶν πραγμάτων μεταπεσόντων· οὕτως

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[1] καθεστάναι Fuhr: καθιστάναι mss.

[2] τῶν add. Reiske.

[3] αὖθις Brulart: αὐτοῖς mss.

[4] ἐπολιόρκουν τοὺς Scheibe: ἐπολιορκοῦντο mss.

decision and for the defence that I shall offer for myself; for I shall make it evident that neither under the democracy nor under the oligarchy has my conduct suggested any inclination to be disloyal to your people. Now, first of all, you should reflect that no human being is naturally either an oligarch or a democrat: whatever constitution a man finds advantageous to himself, he is eager to see that one established; so it largely depends on you whether the present system finds an abundance of supporters. That this is the truth, you will have no difficulty in deducing from the events of the past. For consider, gentlemen of the jury, how many times the leaders of both governments[a] changed sides. Did not Phrynichus, Peisander and their fellow-demagogues, when they had committed many offences against you, proceed, in fear of the requital that they deserved, to establish the first oligarchy? And did not many of the Four Hundred, again, join in the return of the Peiraeus party, while some, on the other hand, who had helped in the expulsion of the Four Hundred, actually appeared among the Thirty? Some, too, of those who had enlisted for Eleusis marched out with you to besiege their own comrades! There is thus no difficulty in concluding, gentlemen, that the questions dividing men are concerned, not with politics, but with their personal advantage. You should therefore apply this test in the probation of your citizens: examine their use of the citizenship under the democracy, and inquire whether they stood to benefit by a change in the government.

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[a] The oligarchy of the Four Hundred and the despotism of the Thirty.

γὰρ ἂν δικαιοτάτην ⟨τὴν⟩[1] κρίσιν περὶ αὐτῶν
11 ποιοῖσθε. ἐγὼ τοίνυν ἡγοῦμαι, ὅσοι μὲν ἐν τῇ
δημοκρατίᾳ ἄτιμοι ἦσαν [εὐθύνας δεδωκότες][2] ἢ
τῶν ὄντων ἀπεστερημένοι ἢ ἄλλῃ τινὶ συμφορᾷ
τοιαύτῃ κεχρημένοι, προσήκειν αὐτοῖς ἑτέρας
ἐπιθυμεῖν πολιτείας, ἐλπίζοντας τὴν μεταβολὴν
ὠφέλειάν τινα αὐτοῖς ἔσεσθαι· ὅσοι δὲ τὸν δῆμον
πολλὰ κἀγαθὰ εἰργασμένοι εἰσί, κακὸν δὲ μηδὲν
πώποτε, ὀφείλεται δὲ αὐτοῖς χάριν κομίσασθαι
παρ’ ὑμῶν μᾶλλον ἢ δοῦναι δίκην τῶν πεπραγμένων,
οὐκ ἄξιον τὰς κατὰ τούτων ἀποδέχεσθαι
διαβολάς, οὐδ’ ἐὰν πάντες οἱ τὰ τῆς πόλεως
πράττοντες ὀλιγαρχικοὺς αὐτοὺς φάσκωσιν εἶναι.

12 Ἐμοὶ τοίνυν, ὦ ἄνδρες δικασταί, οὔτ’ ἰδίᾳ οὔτε
δημοσίᾳ συμφορὰ ἐν ἐκείνῳ τῷ χρόνῳ οὐδεμία
πώποτε ἐγένετο, ἀνθ’ ἧστινος ἂν προθυμούμενος
τῶν παρόντων κακῶν ἀπαλλαγῆναι ἑτέρων ἐπεθύμουν
πραγμάτων. τετριηράρχηκά[3] τε[4] γὰρ πεντάκις,
καὶ τετράκις νεναυμάχηκα, καὶ εἰσφορὰς
ἐν τῷ πολέμῳ πολλὰς εἰσενήνοχα, καὶ τἆλλα
13 λελῃτούργηκα οὐδενὸς χεῖρον τῶν πολιτῶν. καίτοι
διὰ τοῦτο πλείω τῶν ὑπὸ τῆς πόλεως προσταττομένων
ἐδαπανώμην, ἵνα καὶ βελτίων ὑφ’ ὑμῶν
νομιζοίμην, καὶ εἴ πού μοί τις συμφορὰ γένοιτο,
ἄμεινον ἀγωνιζοίμην. ὧν ἐν τῇ ὀλιγαρχίᾳ ἁπάντων
ἀπεστερούμην· οὐ γὰρ τοὺς τῷ πλήθει ἀγαθοῦ
τινος αἰτίους γεγενημένους χάριτος παρ’ αὐτῶν
ἠξίουν τυγχάνειν, ἀλλὰ τοὺς πλεῖστα κακὰ ὑμᾶς
εἰργασμένους εἰς τὰς τιμὰς καθίστασαν, ὡς ταύτην

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[1] τήν add. Rauchenstein.

[2] εὐθύνας δεδωκότες del. Francken.

[3] τετριηράρχηκα Scheibe: ἐτριηράρχησα MSS.

In this way you will most justly form your decision upon them. Now, in my opinion, all those who had been disfranchised under the democracy, or deprived of their property, or subjected to any other misfortune of the sort, were bound to desire a different system, in the hope that the change would be some benefit to themselves. But in the case of those who have done the people many good services, and never a single hurt, and who deserve your grateful favours instead of punishment for what they have achieved, it is not fair to harbour the slanders aimed at them, not even if all who have charge of public affairs allege that they favour oligarchy.

Now I, gentlemen of the jury, never suffered any misfortune during that time,[a] either private or public, which could lead me, through eagerness to be relieved of present ills, to court a change in our system. I have equipped a warship five times, fought in four sea-battles, contributed to many war levies, and performed my other public services as amply as any citizen. But my purpose in spending more than was enjoined upon me by the city was to raise myself the higher in your opinion, so that if any misfortune should chance to befall me I might defend myself on better terms. Of all this credit I was deprived under the oligarchy; for instead of regarding those who had bestowed some benefit on the people as worthy recipients of their favours, they placed in positions of honour the men who had done you most harm, as though this were a pledge by which they

[a] The six years between the restoration of the democracy in 410 B.C. and the tyranny of the Thirty in 404 B.C.

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[4] τε Gebauer: μὲν MSS.

παρ᾽ ἡμῶν πίστιν εἰληφότες. ἃ χρὴ πάντας ἐνθυμουμένους μὴ τοῖς τούτων λόγοις πιστεύειν, ἀλλὰ [καὶ][1] ἐκ τῶν ἔργων σκοπεῖν ἃ ἑκάστῳ τυγχάνει πεπραγμένα. 14 ἐγὼ γάρ, ὦ ἄνδρες δικασταί, οὔτε [ἐπὶ][2] τῶν τετρακοσίων ἐγενόμην· ἢ τῶν κατηγόρων ὁ βουλόμενος παρελθὼν ἐλεγξάτω· οὐ τοίνυν οὐδ᾽ ἐπειδὴ οἱ τριάκοντα[3] κατέστησαν, οὐδείς με ἀποδείξει οὔτε βουλεύσαντα οὔτε ἀρχὴν οὐδεμίαν ἄρξαντα. καίτοι εἰ μὲν ἐξόν μοι ἄρχειν μὴ ἐβουλόμην, ὑφ᾽ ὑμῶν νυνὶ τιμᾶσθαι δίκαιός εἰμι· εἰ δὲ οἱ τότε δυνάμενοι μὴ ἠξίουν μοι μεταδιδόναι τῶν πραγμάτων, πῶς ἂν φανερώτερον ἢ οὕτως ψευδομένους ἀποδείξαιμι τοὺς κατηγόρους;

15 Ἔτι τοίνυν, ὦ ἄνδρες δικασταί, καὶ ἐκ τῶν ἄλλων τῶν ἐμοὶ πεπραγμένων ἄξιον σκέψασθαι. ἐγὼ γὰρ τοιοῦτον ἐμαυτὸν ἐν ταῖς τῆς πόλεως συμφοραῖς παρέσχον ὥστε, εἰ πάντες τὴν αὐτὴν γνώμην ἔσχον ἐμοί, μηδένα ἂν ὑμῶν μηδεμιᾷ χρῆσθαι συμφορᾷ. ὑπ᾽ ἐμοῦ γὰρ ἐν τῇ ὀλιγαρχίᾳ οὔτε ἀπαχθεὶς οὐδεὶς φανήσεται, οὔτε τῶν ἐχθρῶν οὐδεὶς τετιμωρημένος, οὔτε τῶν φίλων εὖ πεπον- 16 θώς (καὶ τοῦτο μὲν οὐκ ἄξιον θαυμάζειν· εὖ μὲν γὰρ ποιεῖν ἐν ἐκείνῳ τῷ χρόνῳ χαλεπὸν ἦν, ἐξαμαρτάνειν δὲ τῷ βουλομένῳ ῥᾴδιον). οὐ τοίνυν οὐδ᾽ εἰς τὸν κατάλογον Ἀθηναίων καταλέξας οὐδένα φανήσομαι, οὐδὲ δίαιταν καταδιαιτησάμενος οὐδενός, οὐδὲ πλουσιώτερος ἐκ τῶν ὑμετέρων γεγονὼς συμφορῶν. καίτοι εἰ τοῖς τῶν γεγενη-

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[1] καὶ del. Emperius.
[2] ἐπὶ del. Markland.
[3] οἱ τριάκοντα Markland: οἵδε MSS.

held us bound. You ought all to reflect on those facts and refuse to believe the statements of these men: you should rather judge each person by the record of his actions.

For I, gentlemen, was not one of the Four Hundred: I challenge anyone who wishes amongst my accusers to come forward and convict me of this. Neither, again, will anyone prove that, when the Thirty were established, I sat on the Council or held any office. Surely, if I chose not to hold office when I could have done so, I deserve to be honoured by you to-day. If, on their part, the men who were in power at that time preferred not to give me a place in the government, could I find a more signal proof than this of the falsehood of my accusers?

Furthermore, gentlemen of the jury, you ought also to take account of the rest of my conduct. For amid the misfortunes of the city my behaviour was such that, if everyone had been of one mind with me, not one of you would have experience of a single misfortune. I had no hand during the oligarchy, you will find, either in the arrest of anybody, or in taking vengeance upon any of my enemies, or in conferring a favour on any of my friends,—and in that there is nothing to wonder at, for at that time it was difficult to confer favours, though an act of mischief was easy for anyone who wished. Again, you will find that I did not place the name of a single Athenian on the black list,[a] or obtain a decree of arbitration against anyone, or enrich myself by means of your misfortunes. Yet surely, if you are incensed against the authors

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[a] The Thirty drew up a list of citizens, other than the privileged 3000, who were suspected of opposing or disapproving the violent measures of the cabal.

μένων κακῶν αἰτίοις ὀργίζεσθε,[1] εἰκὸς καὶ τοὺς μηδὲν ἡμαρτηκότας βελτίους ὑφ' ὑμῶν νομίζεσθαι.

17 καὶ μὲν δή, ὦ ἄνδρες δικασταί, μεγίστην ἡγοῦμαι περὶ ἐμαυτοῦ τῇ δημοκρατίᾳ πίστιν δεδωκέναι. ὅστις γὰρ τότε οὐδὲν ἐξήμαρτον οὕτω πολλῆς δεδομένης ἐξουσίας, ἦ που νῦν σφόδρα προθυμηθήσομαι χρηστὸς εἶναι, εὖ εἰδὼς ὅτι, ἐὰν ἀδικῶ, παραχρῆμα δώσω δίκην. ἀλλὰ γὰρ τοιαύτην διὰ τέλους γνώμην ἔχω, ὥστε ἐν [173] ὀλιγαρχίᾳ μὲν μὴ ἐπιθυμεῖν τῶν ἀλλοτρίων, ἐν δημοκρατίᾳ δὲ τὰ ὄντα προθύμως εἰς ὑμᾶς ἀναλίσκειν.

18 Ἡγοῦμαι δέ, ὦ ἄνδρες δικασταί, οὐκ ἂν δικαίως ὑμᾶς μισεῖν τοὺς ἐν τῇ ὀλιγαρχίᾳ μηδὲν πεπονθότας κακόν, ἐξὸν ὀργίζεσθαι τοῖς εἰς τὸ πλῆθος ἐξημαρτηκόσιν, οὐδὲ τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν, ἀλλὰ τοὺς ὑμᾶς ἐκβαλόντας, οὐδὲ τοὺς προθυμουμένους τὰ ἑαυτῶν σῶσαι, ἀλλὰ τοὺς τὰ τῶν ἄλλων ἀφῃρημένους, οὐδὲ οἳ τῆς σφετέρας αὐτῶν σωτηρίας ἕνεκα ἔμειναν ἐν τῷ ἄστει, ἀλλ' οἵτινες ἑτέρους ἀπολέσαι βουλόμενοι μετέσχον τῶν πραγμάτων. εἰ δὲ οἴεσθε χρῆναι, οὓς ἐκεῖνοι παρέλιπον ἀδικοῦντες, ὑμεῖς ἀπολέσαι, οὐδεὶς τῶν πολιτῶν ὑπολειφθήσεται.[2]

19 Σκοπεῖν δὲ χρὴ καὶ ἐκ τῶνδε, ὦ ἄνδρες δικασταί. πάντες γὰρ ἐπίστασθε ὅτι ἐν τῇ προτέρᾳ δημοκρατίᾳ τῶν τὰ τῆς πόλεως πραττόντων πολλοὶ μὲν τὰ δημόσια ἔκλεπτον, ἔνιοι δ' ἐπὶ τοῖς ὑμετέροις ἐδωροδόκουν, οἱ δὲ συκοφαντοῦντες τοὺς συμμάχους ἀφίστασαν. καὶ εἰ μὲν οἱ τριάκοντα

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[1] ὀργίζεσθε Aldus: ὀργίζοισθε MSS.

[2] ὑπολειφθήσεται Dobree: ἀπολειφθήσεται MSS.

of your past troubles, it is reasonable that those who have done no mischief should stand the higher in your opinion. And indeed, gentlemen of the jury, I consider that I have given the democracy the strongest pledge of my attachment. For if I did no mischief at that time, when ample licence for it was allowed, surely I shall now make every effort to be a good citizen in the full knowledge that, if I am guilty of wrong, I shall incur immediate punishment. But in fact I have continually held to this resolve,—under an oligarchy, not to covet the property of others, and under a democracy, to spend my own upon you with zeal.

I consider, gentlemen, that you would not be justified in hating those who have suffered nothing under the oligarchy, when you can indulge your wrath against those who have done your people mischief; or in regarding as enemies those who did not go into exile instead of those who expelled you, or those who were anxious to save their own property instead of those who stripped others of theirs, or those who stayed in the city with a view to their own safety instead of those who took part in the government for the purpose of destroying others. If you think it your duty to destroy the men whom they passed over, not one of the citizens will be left to us.

You ought also to take account of this further point, gentlemen of the jury: you are all aware that under the previous democracy there were many in the ministry who robbed the Treasury; while some accepted bribes at your expense, and others by malicious informations estranged your allies.[a] Now,

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[a] For this kind of mischief-making *cf.* Isocrates, *On the Exchange of Property*, 318.

τούτους μόνους ἐτιμωροῦντο, ἄνδρας ἀγαθοὺς καὶ
ὑμεῖς ἂν αὐτοὺς ἡγεῖσθε· νῦν δέ, ὅτε ὑπὲρ τῶν
ἐκείνοις ἡμαρτημένων τὸ πλῆθος κακῶς ποιεῖν
ἠξίουν, ἠγανακτεῖτε, ἡγούμενοι δεινὸν εἶναι τὰ
τῶν ὀλίγων ἀδικήματα πάσῃ τῇ πόλει κοινὰ
20 γίγνεσθαι. οὐ τοίνυν ἄξιον χρῆσθαι τούτοις, οἷς
ἐκείνους ἑωρᾶτε ἐξαμαρτάνοντας, οὐδὲ ἃ πάσχοντες
ἄδικα ἐνομίζετε πάσχειν, ὅταν ἑτέρους ποιῆτε,
δίκαια ἡγεῖσθαι, ἀλλὰ τὴν αὐτὴν κατελθόντες
περὶ ἡμῶν γνώμην ἔχετε, ἥνπερ φεύγοντες περὶ
ὑμῶν αὐτῶν εἴχετε· ἐκ τούτων γὰρ καὶ ὁμόνοιαν
πλείστην ποιήσετε, καὶ ἡ πόλις ἔσται μεγίστη,
καὶ τοῖς ἐχθροῖς ἀνιαρότατα ψηφιεῖσθε.

21 Ἐνθυμηθῆναι δὲ χρή, ὦ ἄνδρες δικασταί, καὶ
τῶν ἐπὶ τῶν τριάκοντα γεγενημένων, ἵνα τὰ τῶν
ἐχθρῶν ἁμαρτήματα ἄμεινον ὑμᾶς ποιήσῃ περὶ
τῶν ὑμετέρων αὐτῶν βουλεύσασθαι. ὅτε μὲν γὰρ
ἀκούοιτε τοὺς ἐν ἄστει τὴν αὐτὴν γνώμην ἔχειν,
μικρὰς ἐλπίδας εἴχετε τῆς καθόδου, ἡγούμενοι
τὴν ἡμετέραν ὁμόνοιαν μέγιστον κακὸν εἶναι τῇ
22 ὑμετέρᾳ φυγῇ· ἐπειδὴ δὲ ἐπυνθάνεσθε[1] τοὺς μὲν
τρισχιλίους στασιάζοντας, τοὺς δὲ ἄλλους πολίτας
ἐκ τοῦ ἄστεως[2] ἐκκεκηρυγμένους, τοὺς δὲ τριάκοντα
μὴ τὴν αὐτὴν γνώμην ἔχοντας, πλείους δ'
ὄντας τοὺς ὑπὲρ ὑμῶν δεδιότας ἢ τοὺς ὑμῖν
πολεμοῦντας, τότ' ἤδη καὶ κατιέναι προσεδοκᾶτε
καὶ παρὰ τῶν ἐχθρῶν λήψεσθαι δίκην. ταῦτα
γὰρ τοῖς θεοῖς ηὔχεσθε, ἅπερ ἐκείνους ἑωρᾶτε
ποιοῦντας, ἡγούμενοι διὰ τὴν τῶν τριάκοντα

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[1] ἐπυνθάνεσθε Markland: πυνθάνοισθε MSS.

[2] ἐκ τοῦ ἄστεως pone στασιάζοντας huc transp. Fuhr.

if the Thirty had kept their punishments for these cases, you would have held them yourselves to be honest men: but when in fact you found them deliberately oppressing the people because of the offences of those persons, you were indignant; for you considered it monstrous that the crimes of the few should be spread over the whole city. It is not right, therefore, that you should resort to those offences which you saw them committing, or regard those deeds, which you deemed unjust when done to you, as just when you do them to others. No: let your feeling towards us after your restoration be the same as you had towards yourselves in your exile; for by this means you will produce the utmost harmony amongst us, the power of the city will be at its highest, and you will vote for what will be most distressing to your enemies.

And you should reflect, gentlemen, on the events that have occurred under the Thirty, in order that the errors of your enemies may lead you to take better counsel on your own affairs. For as often as you heard that the people in the city were all of one mind, you had but slight hopes of your return, judging that our concord was the worst of signs for your exile: but as soon as you had tidings that the Three Thousand were divided by faction, that the rest of the citizens had been publicly banned from the city, that the Thirty were not all of one mind, and that those who had fears for you outnumbered those who were making war on you, you immediately began to look forward to your return and the punishment of your enemies. For it was your prayer to the gods that those men should do the things that you saw them doing, since you believed that the villainy of the Thirty would be far more useful for

πονηρίαν πολὺ μᾶλλον σωθήσεσθαι ἢ διὰ τὴν τῶν
23 φευγόντων δύναμιν κατιέναι. χρὴ τοίνυν, ὦ ἄνδρες
δικασταί, τοῖς πρότερον γεγενημένοις παραδείγμασι
χρωμένους βουλεύεσθαι περὶ τῶν μελλόντων
ἔσεσθαι, καὶ τούτους ἡγεῖσθαι δημοτικωτάτους,
οἵτινες ὁμονοεῖν ὑμᾶς βουλόμενοι τοῖς ὅρκοις καὶ
ταῖς συνθήκαις ἐμμένουσι, νομίζοντες καὶ τῆς
πόλεως ταύτην ἱκανωτάτην εἶναι σωτηρίαν καὶ
τῶν ἐχθρῶν μεγίστην τιμωρίαν· οὐδὲν γὰρ ἂν εἴη
αὐτοῖς χαλεπώτερον τούτων, ἢ πυνθάνεσθαι μὲν
ἡμᾶς μετέχοντας τῶν πραγμάτων, αἰσθάνεσθαι
δὲ οὕτως διακειμένους τοὺς πολίτας ὥσπερ μηδενὸς
24 ἐγκλήματος πρὸς ἀλλήλους γεγενημένου. χρὴ δὲ
εἰδέναι, ὦ ἄνδρες δικασταί, ὅτι οἱ φεύγοντες τῶν
ἄλλων πολιτῶν ὡς πλείστους καὶ διαβεβλῆσθαι
καὶ ἠτιμῶσθαι βούλονται, ἐλπίζοντες τοὺς ὑφ’
ὑμῶν ἀδικουμένους ἑαυτοῖς ἔσεσθαι συμμάχους,
τοὺς δὲ συκοφάντας εὐδοκιμεῖν δέξαιντ’ ἂν παρ’
ὑμῖν καὶ μέγα δύνασθαι ἐν τῇ πόλει· τὴν γὰρ
τούτων πονηρίαν ἑαυτῶν ἡγοῦνται σωτηρίαν.

25 Ἄξιον δὲ μνησθῆναι ⟨καὶ⟩[1] τῶν μετὰ τοὺς τετρακοσίους
πραγμάτων· εὖ γὰρ εἴσεσθε ὅτι, ἃ μὲν
οὗτοι συμβουλεύουσιν, οὐδεπώποτε ὑμῖν ἐλυσιτέλησεν,
ἃ δ’ ἐγὼ παραινῶ, ἀμφοτέραις ἀεὶ ταῖς
[174] πολιτείαις συμφέρει. ἴστε γὰρ Ἐπιγένη καὶ
Δημοφάνη καὶ Κλεισθένη ἰδίᾳ μὲν καρπωσαμένους
τὰς τῆς πόλεως συμφοράς, δημοσίᾳ δὲ
26 ὄντας μεγίστων κακῶν αἰτίους. ἐνίων μὲν γὰρ
ἔπεισαν ὑμᾶς ἀκρίτων θάνατον καταψηφίσασθαι,
πολλῶν δὲ ἀδίκως δημεῦσαι τὰς οὐσίας, τοὺς δ’
ἐξελάσαι καὶ ἀτιμῶσαι τῶν πολιτῶν· τοιοῦτοι γὰρ

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[1] καὶ add. Baiter.

your salvation than the resources of the exiles for your return. You ought therefore, gentlemen, to take the events of the past as your example in resolving on the future course of things, and to account those men the best democrats who, desiring your concord, abide by their oaths and covenants, because they hold this to be the most effective safeguard of the city and the severest punishment of her enemies. For nothing could be more vexatious to them than to learn that we are taking part in the government and to perceive at the same time that the citizens are behaving as though they had never had any fault to find with each other. And you should know, gentlemen, that the exiles desire to see the greatest possible number of their fellow-citizens not merely slandered but disfranchised; since they hope that the men who are wronged by you will be their allies, and they would gladly have the venal informers standing high in your esteem and influential in the city. For they judge the villainy of those creatures to be their own safeguard.

You will do well to remember also the events that followed the rule of the Four Hundred[a]; for you will fully realize that the measures advised by these men have never brought you any advantage, while those that I recommend have always profited both parties in the State. You know that Epigenes, Demophanes and Cleisthenes, while reaping their personal gains from the city's misfortunes, have inflicted the heaviest losses on the public weal. For they prevailed on you to condemn several men to death without trial, to confiscate unjustly the property of many more, and to banish and disfranchise other

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[a] June-September, 411 B.C.

ἦσαν ὥστε τοὺς μὲν ἡμαρτηκότας ἀργύριον λαμβάνοντες
ἀφιέναι, τοὺς δὲ μηδὲν ἠδικηκότας εἰς
ὑμᾶς εἰσιόντες ἀπολλύναι. καὶ οὐ πρότερον ἐπαύσαντο,
ἕως τὴν μὲν πόλιν εἰς στάσεις καὶ τὰς
μεγίστας συμφορὰς κατέστησαν, αὐτοὶ δ' ἐκ
27 πενήτων πλούσιοι ἐγένοντο. ὑμεῖς δὲ οὕτως διετέθητε
ὥστε τοὺς μὲν φεύγοντας κατεδέξασθε,
τοὺς δ' ἀτίμους ἐπιτίμους ἐποιήσατε, τοῖς δ' ἄλλοις
περὶ ὁμονοίας ὅρκους ὤμνυτε· τελευτῶντες δὲ
ἥδιον ἂν τοὺς ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας
ἐτιμωρήσασθε ἢ τοὺς ἄρξαντας ἐν τῇ ὀλιγαρχίᾳ.
καὶ εἰκότως, ὦ ἄνδρες δικασταί· πᾶσι γὰρ ἤδη
φανερόν ἐστιν ὅτι διὰ τοὺς μὲν ἀδίκως πολιτευομένους
ἐν τῇ ὀλιγαρχίᾳ δημοκρατία γίγνεται, διὰ
δὲ τοὺς ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας ὀλιγαρχία
δὶς κατέστη. ὥστε οὐκ ἄξιον τούτοις πολλάκις
χρῆσθαι συμβούλοις, οἷς οὐδὲ ἅπαξ ἐλυσιτέλησε
28 πιθομένοις. σκέψασθαι δὲ χρὴ ὅτι καὶ τῶν ἐκ
Πειραιῶς οἱ μεγίστην δόξαν ἔχοντες καὶ μάλιστα
κεκινδυνευκότες καὶ πλεῖστα ὑμᾶς ἀγαθὰ εἰργασμένοι
πολλάκις ἤδη τῷ ὑμετέρῳ πλήθει διεκελεύσαντο[1]
τοῖς ὅρκοις καὶ ταῖς συνθήκαις ἐμμένειν,
ἡγούμενοι ταύτην δημοκρατίας εἶναι φυλακήν·
τοῖς μὲν γὰρ ἐξ ἄστεως ὑπὲρ τῶν παρεληλυθότων
ἄδειαν ποιήσειν, τοῖς δ' ἐκ Πειραιῶς οὕτως
πλεῖστον <ἂν>[2] χρόνον τὴν πολιτείαν παραμεῖναι.
29 οἷς ὑμεῖς πολὺ ἂν δικαιότερον πιστεύοιτε ἢ τούτοις,
οἳ φεύγοντες μὲν δι' ἑτέρους ἐσώθησαν, κατ-

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[1] διεκελεύσαντο Taylor: διελύσαντο mss.

[2] ἂν add. Gebauer.

citizens ; since they were capable of taking money for the release of offenders, and of appearing before you to effect the ruin of the innocent. They did not stop until they had involved the city in seditions and the gravest disasters, while raising themselves from poverty to wealth. But your temper moved you to welcome back the exiles, to reinstate the disfranchised in their rights, and to bind yourselves by oaths to concord with the rest. At the end of it all, you would have been more pleased to punish those who traded in slander under the democracy than those who held office under the oligarchy. And with good reason, gentlemen : for it is manifest now to all that the unjust acts of rulers in an oligarchy produce democracy, whereas the trade of slanderers in the democracy has twice led to the establishment of oligarchy. It is not right, therefore, to hearken many times to the counsels of men whose advice has not even once resulted in your profit.

And you should consider that, in the Peiraeus party, those who are in highest repute, who have run the greatest risk, and who have rendered you the most services, had often before exhorted your people to abide by their oaths and covenants, since they held this to be the bulwark of democracy: for they felt that it would give the party of the town immunity from the consequences of the past,[a] and the party of the Peiraeus an assurance of the most lasting permanence of the constitution. For these are the men whom you would be far more justified in trusting than those who, as exiles, owed their deliverance to others and, now that they have returned, are taking up the

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[a] Those who had remained in Athens under the Thirty were for long held in suspicion by the restored democrats.

ἐλθόντες δὲ συκοφαντεῖν ἐπιχειροῦσιν. ἡγοῦμαι
δέ, ὦ ἄνδρες δικασταί, τοὺς μὲν τὴν αὐτὴν γνώμην
ἔχοντας ἐμοὶ τῶν ἐν ἄστει μεινάντων φανεροὺς
γεγενῆσθαι καὶ ἐν ὀλιγαρχίᾳ καὶ ἐν δημοκρατίᾳ,
30 ὁποῖοί τινές εἰσι πολῖται· τούτων δ' ἄξιον θαυμάζειν,
ὅ τι ἂν ἐποίησαν, εἴ τις αὐτοὺς εἴασε τῶν
τριάκοντα γενέσθαι, οἳ νῦν δημοκρατίας οὔσης
ταὐτὰ ἐκείνοις πράττουσι, καὶ ταχέως μὲν ἐκ
πενήτων πλούσιοι γεγένηνται, πολλὰς δὲ ἀρχὰς
ἄρχοντες οὐδεμιᾶς εὐθύνην διδόασιν, ἀλλ' ἀντὶ
μὲν ὁμονοίας ὑποψίαν πρὸς ἀλλήλους πεποιήκασιν,
ἀντὶ δὲ εἰρήνης πόλεμον κατηγγέλκασι, διὰ τούτους
31 δὲ ἄπιστοι τοῖς Ἕλλησι γεγενήμεθα. καὶ τοσούτων
κακῶν καὶ ἑτέρων πολλῶν ὄντες αἴτιοι,
καὶ οὐδὲν διαφέροντες τῶν τριάκοντα πλὴν ὅτι
ἐκεῖνοι μὲν ὀλιγαρχίας οὔσης ἐπεθύμουν ὧνπερ
οὗτοι, οὗτοι δὲ καὶ δημοκρατίας τῶν αὐτῶν
ὧνπερ ἐκεῖνοι, ὅμως[1] οἴονται χρῆναι οὕτως ῥᾳδίως
ὃν ἂν βούλωνται κακῶς ποιεῖν, ὥσπερ τῶν μὲν
ἄλλων ἀδικούντων, ἄριστοι δὲ ἄνδρες αὐτοὶ γεγενημένοι
32 (καὶ τούτων μὲν οὐκ ἄξιον θαυμάζειν,
ὑμῶν δέ, ὅτι οἴεσθε μὲν δημοκρατίαν εἶναι, γίγνεται
δὲ ὅ τι ἂν οὗτοι βούλωνται, καὶ δίκην διδόασιν
οὐχ οἱ τὸ ὑμέτερον πλῆθος ἀδικοῦντες, ἀλλ'
οἱ τὰ σφέτερα αὐτῶν μὴ διδόντες). καὶ δέξαιντ'
ἂν μικρὰν εἶναι τὴν πόλιν μᾶλλον ἢ δι' ἄλλους
33 μεγάλην καὶ ἐλευθέραν, ἡγούμενοι νῦν μὲν διὰ
τοὺς ἐκ Πειραιῶς κινδύνους αὐτοῖς ἐξεῖναι ποιεῖν
ὅ τι ἂν βούλωνται, ἐὰν δ' ὕστερον ὑμῖν δι' ἑτέρων

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[1] ὅμως Reiske: ὁμοίως MSS.

slanderer's trade. In my opinion, gentlemen of the jury, those among our people remaining in the city who shared my views have clearly proved, both under oligarchy and under democracy, what manner of citizens they are. But the men who give us good cause to wonder what they would have done if they had been allowed to join the Thirty are the men who now, in a democracy, imitate those rulers; who have made a rapid advance from poverty to wealth, and who hold a number of offices without rendering an account of any; who instead of concord have created mutual suspicion, and who have declared war instead of peace; and who have caused us to be distrusted by the Greeks. Authors of all these troubles and of many more besides, and differing no whit from the Thirty,—save that the latter pursued the same ends as theirs during an oligarchy, while these men follow their example in a democracy,—they yet make it their business to maltreat in this light fashion any person they may wish, as though everyone else were guilty, and they had proved themselves men of the highest virtue. (Nay, it is not so much they who give cause for wonder as you, who suppose that there is a democracy, whereas things are done just as they please, and punishment falls, not on those who have injured your people, but on those who refuse to yield their own possessions.) And they would sooner have the city diminished than raised to greatness and freedom by others: they consider that their perils in the Peiraeus give them licence now to do just as they please, while, if later on you obtain deliverance through others, they themselves will be

σωτήρια γένηται, αὐτοὶ μὲν καταλύσεσθαι,[1] ἐκείνους
δὲ μεῖζον δυνήσεσθαι· ὥστε τὸ αὐτὸ πάντες
ἐμποδών εἰσιν, ἐάν τι δι' ἄλλων ἀγαθὸν ὑμῖν
34 φαίνηται. τοῦτο μὲν οὖν οὐ χαλεπὸν τῷ βουλομένῳ
κατανοῆσαι· αὐτοί τε γὰρ οὐκ ἐπιθυμοῦσι λανθάνειν,
ἀλλ' αἰσχύνονται μὴ δοκοῦντες εἶναι
πονηροί, ὑμεῖς τε τὰ μὲν αὐτοὶ ὁρᾶτε τὰ δ' ἑτέρων
πολλῶν ἀκούετε. ἡμεῖς δέ, ὦ ἄνδρες δικασταί,
δίκαιον μὲν ἡγούμεθ' εἶναι πρὸς πάντας ὑμᾶς τοὺς
πολίτας ταῖς συνθήκαις καὶ τοῖς ὅρκοις ἐμμένειν,
35 ὅμως δέ, ὅταν μὲν ἴδωμεν τοὺς τῶν κακῶν αἰτίους
[175] δίκην διδόντας, τῶν τότε περὶ ὑμᾶς γεγενημένων
μεμνημένοι συγγνώμην ἔχομεν, ὅταν δὲ φανεροὶ
γένησθε τοὺς μηδὲν αἰτίους ἐξ ἴσου τοῖς ἀδικοῦσι
τιμωρούμενοι, τῇ αὐτῇ ψήφῳ πάντας ἡμᾶς εἰς
ὑπο<ψίαν καταστήσετε>[2] . . . .

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[1] αὐτοὶ μὲν καταλύσεσθαι Herwerden: αὐτοὺς μὲν ἐπιλύσεσθαι, τούτους μὲν ἐπιλύσασθαι MSS.

[2] -ψίαν καταστήσετε supplevit Francken.

swept away, and those others will be advanced in power. So they combine to obstruct any efforts that others may make for your benefit. But their purpose is readily detected by any observer: for they are not anxious to hide themselves, but are rather ashamed not to be reputed villains; while you partly see the mischief for yourselves, and partly hear it from many other persons. As for us, gentlemen, we consider that you are bound by your duty towards all the citizens to abide by your covenants and your oaths: nevertheless, when we see justice done upon the authors of your troubles, we remember your former experiences, and condone you; but when you show yourselves openly chastising the innocent along with the guilty, by the same vote you will be involving us all in suspicion.[a] . . .

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[a] The speaker seems to be accusing the democratic leaders of persecuting citizens who had shown oligarchic sympathies and who ought now to be protected by the oaths of concord that had been sworn by the two parties.

XXVI. ON THE SCRUTINY OF EVANDROS

INTRODUCTION

The first part of this speech, now lost,[a] contained the particular charges and testimonies made against Evandros, who is undergoing a scrutiny of his life and character in order to qualify for the archonship in the place of Leodamas, who has been rejected on a scrutiny by the Council. The accusation, as we now possess it, consists mainly of answers to statements which the speaker expects Evandros to make in his defence. The case is heard before the Council on the last day but one of the second year of the 99th Olympiad (about the middle of 382 B.C.); and as the last day was devoted to a festival in honour of Zeus the Saviour, at which the king-archon and other archons officiated, there was no time left for an appeal, and one of the chief magistrates would be missing at the ceremony if Evandros were rejected. It would appear that, as an archon of his name is recorded to have held office in the following year, he succeeded in passing the scrutiny; also that the speaker is a friend of Leodamas, and is actuated by bitter resentment against Evandros's supporter, Thrasybulus of

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[a] See above, p. 535.

Collytus,[a] who had obtained the rejection of Leodamas. This animosity is masked under a general appeal to the popular feeling against men of oligarchical sympathies who shared in the oppressions of the Thirty ; though it breaks out more openly at the end in definite charges against Thrasybulus (23).

This very outburst tends to show that Lysias, although he gladly undertook to compose this accusation of one of the oligarchs whom he detested, felt that the case against Evandros was not a strong one, or at least not definite enough to induce the Council to leave one of the archonships vacant for the ceremonies of the next day. He cannot even help admitting that under the democracy Evandros has shown himself in every way a model citizen (3–5) : his protestations that this should not count in his favour, and that scrutinies were invented principally for the exclusion of oligarchs from office (9), do not carry conviction to us, and must have carried still less to the Council, who were doubtless weary of the constant anti-oligarchical bickering which had marked the interval of twenty years since the amnesty. Nor can those of them who had been moderate oligarchs have been much impressed by the flattering argument into which the speaker is hastily led,—that men of their persuasion have given better proof of their loyalty than even the democrats who fought their way back at Phyle and the Peiraeus (17).

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[a] A district in the city of Athens. This is not the Thrasybulus (of Steiria) who was prominent as leader of the Democrats, 411–388 B.C.

XXVI. ΠΕΡΙ ΤΗΣ ΕΥΑΝΔΡΟΥ ΔΟΚΙΜΑΣΙΑΣ

1 . . . . οὐδ᾽ ἡγούμενος ἀκριβῆ νῦν τὴν δοκιμασίαν
αὐτοὺς διὰ τὸν χρόνον ποιήσεσθαι, ἐπεὶ σύνοισθα
πολλὰ καὶ δεινὰ εἰς αὐτοὺς ἐξημαρτηκώς, ὧν
ἐπιλελῆσθαι καὶ οὐδ᾽ ἀναμνησθήσεσθαι ἐνίους
αὐτῶν νομίζεις. ὃ δὴ ἔγωγε καὶ ἀγανακτῶ, εἰ
ταύτῃ τῇ ἐλπίδι εἰς ὑμᾶς ἥκει πιστεύων, ὥσπερ
ἄλλων μέν τινων ὄντων τῶν ἠδικημένων, ἑτέρων
δὲ τῶν ταῦτα διαψηφιουμένων, ἀλλ᾽ οὐκ ἀμφότερα
τῶν αὐτῶν καὶ πεπονθότων καὶ ἀκουσομένων.
2 αἴτιοι δὲ τούτων ὑμεῖς ἐστε· οὐ γὰρ ἐνθυμεῖσθε
ὅτι οὗτοι μέν, ὅτε ἡ πόλις ὑπὸ [τῶν][1] Λακεδαιμονίων
ἤρχετο, οὐδὲ τῆς αὐτῆς δουλείας ὑμῖν
μεταδοῦναι ἠξίωσαν, ἀλλὰ καὶ τῆς πόλεως ἐξήλασαν·
ὑμεῖς δ᾽ ἐλευθέραν αὐτὴν ποιήσαντες οὐ
μόνον τῆς ἐλευθερίας αὐτοῖς ἀλλὰ καὶ τοῦ δικάζειν
καὶ τοῦ ἐκκλησιάζειν περὶ τῶν κοινῶν μετέδοτε,
ὥστε εἰκότως ὑμῶν ταύτην τὴν εὐήθειαν καταγιγνώσκουσιν.
3 ὧν εἷς οὗτος ὢν οὐκ ἀγαπᾷ εἴ τις
αὐτὸν ἐᾷ τούτων μετέχειν, ἀλλὰ καὶ πρὶν ἐκείνων
δοῦναι δίκην πάλιν ἄρχειν ἀξιοῖ. καὶ νυνὶ αὐτὸν
ἀκούω ὑπὲρ μὲν[2] τῶν αὐτοῦ κατηγορουμένων[3]

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[1] τῶν del. Pertz.

[2] ἀκούω ὑπὲρ μὲν Rauchenstein: ἀκούομεν ὑπὲρ mss.

[3] τῶν αὐτοῦ κατηγορουμένων Baiter: ὧν αὐτὸν κατηγοροῦμεν ὧν, ὧν αὐτοῦ κατηγοροῦμεν οὐ mss.

XXVI. ON THE SCRUTINY OF EVANDROS

. . . nor expecting that now, after this lapse of time, they will be strict in their scrutiny, since you are conscious of having committed many grievous offences against them; but these, you believe, some of them have forgotten, and will not even recall them to mind. Well, for my part I am quite indignant that he should come before you in the confidence of this hope, as though the persons whom he had wronged were different and distinct from those who are to give their verdict on these matters, and as though it were not the same people that have been his victims and are also to be his hearers. It is yourselves who are responsible for this: for you do not bear in mind that these men, when the city was subject to the Lacedaemonians, did not vouchsafe you a share even in the common slavery, but actually expelled you from the city; while you, after setting her free, made them partakers, not only in that freedom, but also in the judicature and in the public business of the Assembly. They have some reason, then, for thus convicting you of fatuity. This man is one of them, and he is not content to be allowed to share these rights, but claims as well, before paying the penalty for those actions, to hold office once more.

I am informed that to-day he will make but a

διὰ βραχέων ἀπολογήσεσθαι, ἐπισύροντα τὰ πράγ-
ματα καὶ διακλέπτοντα τῇ ἀπολογίᾳ τὴν κατ-
ηγορίαν, λέξειν δὲ ὡς πολλὰ εἰς τὴν πόλιν ἀν-
ηλώκασι καὶ φιλοτίμως λελῃτουργήκασι καὶ νίκας
πολλὰς καὶ καλὰς ἐν δημοκρατίᾳ νενικήκασι, καὶ
ὅτι αὐτὸς κόσμιός ἐστι καὶ οὐχ ὁρᾶται ποιῶν ἃ
ἕτεροι ἐνταῦθα τολμῶσιν, ἀλλὰ τὰ ἑαυτοῦ πράττειν
4 ἀξιοῖ. ἐγὼ δὲ πρὸς τούτους τοὺς λόγους οὐ
χαλεπὸν οἶμαι ἀντειπεῖν· πρὸς μὲν τὰς λῃτουργίας,
ὅτι κρείττων ἦν ὁ πατὴρ αὐτοῦ μὴ λῃτουργήσας
ἢ τοσαῦτα τῶν ἑαυτοῦ ἀναλώσας· διὰ γὰρ ταῦτα
πιστευθεὶς ὑπὸ τοῦ δήμου κατέλυσε τὴν δημο-
κρατίαν, ὥστ' εἶναι ταῦτα τὰ ἔργα ἀειμνηστότερα
5 ἢ τὰ ἐκ τῶν λῃτουργιῶν αὐτῷ ἀναθήματα· πρὸς
δὲ τὴν ἡσυχιότητα τὴν τούτου, ὅτι οὐ νῦν δεῖ
αὐτὸν ἐξετάζειν εἰ σώφρων ἐστίν, ὅτ' αὐτὸν οὐκ
ἔξεστιν ἀσελγαίνειν, ἀλλ' ἐκεῖνον τὸν χρόνον
σκοπεῖν, ἐν ᾧ ἐξὸν ὁποτέρως ἐβούλετο ζῆν εἵλετο
παρανόμως πολιτευθῆναι. τοῦ μὲν γὰρ νῦν μηδὲν
ἐξαμαρτάνειν οἱ κωλύσαντες αἴτιοι, τῶν δὲ τότε
γενομένων ὁ τούτου τρόπος καὶ οἱ τούτῳ ἐπι-
τρέπειν ἀξιοῦντες. ὥστ' ἐὰν ἐκ τούτων δοκιμά-
ζεσθαι ἀξιοῖ, ταῦτα χρὴ ὑπολαμβάνειν, μὴ εὐήθεις
αὐτῷ εἶναι δοκῆτε.

6 Ἐὰν δὲ καὶ ἐπὶ τοιόνδε λόγον τράπωνται, ὡς ὁ
χρόνος οὐκ ἐγχωρεῖ ἄλλον ἀποκληρῶσαι, ἀλλὰ
ἀνάγκη, ἐὰν αὐτὸν ἀποδοκιμάσητε, ἄθυτα τὰ
πάτρια ἱερὰ γίγνεσθαι, τάδ' ἐνθυμήθητε, ὅτι
πάλαι ὁ χρόνος ἤδη παρελήλυθεν. ἡ γὰρ αὔριον

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[a] In dramatic or athletic contests.

[b] In the temples at Athens, Delphi, etc.

brief reply to the charges brought against him, skimming over the facts and shuffling off the accusation with his defence; and he will tell how he and his family have spent a great amount on the State, have performed public services with ardent zeal, and have won many brilliant victories [a] under the democracy; that he himself is an orderly person, and is not seen acting as others of our people venture to act, but prefers to mind his own business. But I find no difficulty in countering those statements. As regards the public services, I say that his father would have done better not to perform them than to spend so much of his substance: for it was on account of this that he won the confidence of the people and overthrew the democracy; and so our memory of these deeds must be more abiding than of the offerings he has set up [b] in record of those services. As to his love of quiet, I say that we ought not to investigate his sobriety to-day, when there is no chance for him to be licentious: we should rather examine that period in which, being free to choose either way of life, he preferred to mark his citizenship by illegal acts. For the fact of his committing no offences now is due to those who have prevented him; but what he did then was owing to the man's character and to those who vouchsafed him a free hand. So that if he claims to pass the scrutiny on this score, you should form this conception of the case, if you would not seem fatuous in his sight.

And if they have recourse to the further argument that time does not allow of your electing another man, and that his failure to pass your scrutiny must inevitably leave the ancestral sacrifices unperformed, you should reflect that the time has already long gone

ἡμέρα μόνη λοιπὴ τοῦ ἐνιαυτοῦ ἐστιν, ἐν δὲ ταύτῃ
τῷ Διὶ τῷ σωτῆρι θυσία γίγνεται, δικαστήριον
7 δὲ παρὰ τοὺς νόμους ἀδύνατον[1] πληρωθῆναι. εἰ
δὲ ταῦτα πάνθ' οὗτος ὥστε γενέσθαι διαπέπρακται,
τί προσδοκῆσαι <δεῖ>[2] δοκιμασθέντ' αὐτὸν
ποιήσειν, εἰ τὴν ἐξιοῦσαν ἀρχὴν πέπεικεν αὑτοῦ
ἕνεκα παρανομῆσαι; ἆρ' ἂν ὀλίγα τοιαῦτα ἐν
τῷ ἐνιαυτῷ διαπράξασθαι; ἐγὼ μὲν γὰρ οὐκ ἂν
8 οἶμαι. ἔστι δ' ὑμῖν οὐ τοῦτο μόνον σκεπτέον,
ἀλλὰ καὶ πότερον εὐσεβέστερον τὸν βασιλέα καὶ
τοὺς συνάρχοντας τὰ ὑπὲρ τοῦ μέλλοντος ἄρξειν
ἱερὰ θῦσαι, ὡς καὶ πρότερον ἤδη γεγένηται, ἢ καὶ
τοῦτον, ὃν οὐδὲ καθαρὸν εἶναι τὰς χεῖρας οἱ εἰδότες
μεμαρτυρήκασι, καὶ πότερον ὑμεῖς ὠμόσατε εἰς
τὴν ἀρχὴν ἀδοκίμαστον καταστήσειν, ἢ δοκιμάσαντες
[176] τὸν ἄξιον τῆς ἀρχῆς στεφανώσειν.
9 ταῦτα γὰρ σκοπεῖσθε· κἀκεῖνο <δ'>[3] ἐνθυμεῖσθε,
ὅτι ὁ θεὶς τὸν περὶ τῶν δοκιμασιῶν νόμον οὐχ
ἥκιστα [περὶ][4] τῶν ἐν ὀλιγαρχίᾳ ἀρξάντων ἕνεκα
ἔθηκεν, ἡγούμενος δεινὸν εἶναι, εἰ δι' οὓς ἡ δημοκρατία
κατελύετο, οὗτοι ἐν αὐτῇ τῇ πολιτείᾳ πάλιν
ἄρξουσι, καὶ κύριοι γενήσονται τῶν νόμων καὶ
τῆς πόλεως, ἣν πρότερον παραλαβόντες[5] οὕτως
αἰσχρῶς καὶ δεινῶς ἐλωβήσαντο. ὥστ' οὐκ ἄξιον
τῆς δοκιμασίας ὀλιγώρως ἔχειν, οὐδὲ μικρὸν
ἡγουμένους τὸ πρᾶγμα μὴ φροντίζειν αὐτῆς, ἀλλὰ
φυλάττειν· ὡς ἐν τῷ ἕκαστον δικαίως ἄρχειν ἥ τε

[1] ἀδύνατον Contius: δυνατὸν, οὐ δυνατὸν mss.
[2] δεῖ add. Aldus. [3] δ' add. Cobet. [4] περὶ del. Contius.
[5] παραλαβόντες Markland: προλαβόντες mss.

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[a] Apparently the law forbade any court to sit on that day.

by. For to-morrow is the last remaining day of the year, and on that day a sacrifice is offered to Zeus the Saviour, when it is impossible to complete a panel of jurymen in defiance of the laws.[a] If all these difficulties are the contrivance of this man, what are we to expect, when once he has passed the scrutiny, of the man who will have persuaded the outgoing magistrates to commit an illegality in his interest? Will he contrive just a few things of this sort in the course of a year? For my part, I think not. But you have to consider, not this question alone, but whether piety is better served by the sacrifices on behalf of the future magistrate being offered by the king-archon and his fellow-magistrates,—as has in fact been done in the past,—or by this man, whom those who know about him have testified to be not even without stained hands[b]; and whether you have sworn to install a magistrate who has not passed the scrutiny or, after holding the scrutiny, to crown the man who is worthy of the office? That is what you have to consider. Reflect also on the fact that the author of the law concerning scrutinies had chiefly in view the magistrates of the oligarchy; for he thought it monstrous that the men responsible for the overthrow of the democracy should regain office under that very constitution, and get control over the laws and over the city of which they had formerly taken charge only to maim her with such shameful and terrible injuries. Hence it is not right to be careless of the scrutiny, or to make it of so slight account as to ignore it: no, you should keep guard over it; for on the just title of each magistrate depends the

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[b] Probably referring to murders committed in compliance with the violent measures of the Thirty.

πολιτεία καὶ τὸ ἄλλο πλῆθος τὸ ὑμέτερον σῴζεται.
10 <καὶ>[1] εἰ μὲν δὴ βουλεύσων νυνὶ ἐδοκιμάζετο καὶ
ὡς ἱππευκότος αὐτοῦ ἐπὶ τῶν τριάκοντα τοὔνομα[2]
ἐν ταῖς σανίσιν ἐνεγέγραπτο, καὶ ἄνευ κατηγόρου
ἂν αὐτὸν ἀπεδοκιμάζετε· νῦν δέ, ὅτε μὴ μόνον
ἱππευκὼς μηδὲ βεβουλευκώς, ἀλλὰ καὶ εἰς τὸ
πλῆθος ἐξημαρτηκὼς φαίνεται, οὐκ ἂν ἄτοπον
ποιήσαιτε, εἰ μὴ τὴν αὐτὴν γνώμην ἔχοντες περὶ
11 αὐτοῦ φανεῖσθε[3]; καὶ μὲν δὴ βουλεύειν γε δοκιμασθεὶς
πεντακοσιοστὸς ὢν μετὰ τῶν ἄλλων ἐνιαυτὸν
ἂν μόνον ἐβούλευσεν, ὥστε καὶ εἴ τι ἐν τούτῳ
τῷ χρόνῳ ἐξαμαρτάνειν ἐβούλετο, ῥᾳδίως ἂν
ὑπὸ τῶν ἄλλων ἐκωλύετο. ταύτης δὲ τῆς ἀρχῆς
ἀξιούμενος αὐτὸς καθ' αὐτὸν ἄρξει,[4] καὶ μετὰ τῆς
ἐν Ἀρείῳ πάγῳ βουλῆς τὸν ἅπαντα χρόνον τῶν
12 μεγίστων κύριος γενήσεται[5]· ὥστε ὑμῖν καθήκειν
περὶ ταύτης τῆς ἀρχῆς ἀκριβεστέραν τὴν δοκιμασίαν
ἢ περὶ τῶν ἄλλων ἀρχῶν ποιεῖσθαι. εἰ δὲ
μή, πῶς οἴεσθε τὸ ἄλλο πλῆθος τῶν πολιτῶν διακείσεσθαι,
ὅταν αἴσθωνται, ὃν προσῆκε δίκας τῶν
ἡμαρτημένων διδόναι, τοῦτον ὑφ' ὑμῶν τοιαύτης
ἀρχῆς ἠξιωμένον; καὶ φόνου δίκας δικάζοντα,
ὃν ἔδει αὐτὸν ὑπὸ τῆς ἐν Ἀρείῳ πάγῳ βουλῆς
κρίνεσθαι; καὶ πρὸς τούτοις ἴδωσιν ἐστεφανωμένον,
καὶ ἐπικλήρων καὶ ὀρφανῶν κύριον γεγενημένον,
ὧν ἐνίοις αὐτὸς οὗτος τῆς ὀρφανίας αἴτιος
13 γεγένηται; ἆρ' οὐκ[6] οἴεσθε αὐτοὺς χαλεπῶς διακείσεσθαι
καὶ ὑμᾶς αὐτῶν αἰτίους ἡγήσεσθαι, ὅταν

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[1] καὶ add. P. Müller.

[2] τοὔνομα Reiske: ἅρμα mss.

[3] φανεῖσθε Taylor: φανοῖσθε mss.

[4] ἀξιούμενος . . . ἄρξει Thalheim: ἀξιοῖ μόνος . . . ἄρχειν mss.

[5] γενήσεται Thalheim: τε γενέσθαι, γενέσθαι mss.

safety of the government and of your whole people. Suppose that he were now under scrutiny for admission to the Council, and he had his name registered on the tablets as having served in the cavalry under the Thirty: even without an accuser you would reject him. And now, when he is found, not merely to have served in the cavalry and on the Council, but to have also committed offences against the people, will it not be strange behaviour on your part not to show that you have the same feelings towards him? Besides, had he qualified for the Council, he would have held his seat as one in a body of five hundred, for a year only; so that, if in that period he had wished to commit an offence, he would have been easily prevented by the others. But, if he is approved for this office, he will hold it all by himself, and as a member of the Council of the Areopagus he will obtain control over the most important matters for an unlimited time.[a] It therefore behoves you to be stricter in your scrutiny for this office than for any other one. Else, what do you suppose will be the attitude of the great body of the citizens, when they become aware that the man who ought to have been punished for his offences has been approved by you for this high post; when they find a man judging murder cases who should have been tried himself by the Council of the Areopagus; and when, moreover, they see him crowned and established in control of heiresses and orphans, whose bereavement, in some cases, he has himself brought about? Do you not think they will show a resentful temper, and will hold

[a] The gravest criminal charges, and cases of sacrilege, were brought before the ancient court of the Areopagus.

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[6] οὐκ Stephanus: οὖν MSS.

γένωνται ἐν ἐκείνοις τοῖς χρόνοις, ἐν οἷς αὐτῶν πολλοὶ
εἰς τὸ δεσμωτήριον ἀπήγοντο καὶ ἄκριτοι ὑπὸ
τούτων ἀπώλλυντο καὶ φεύγειν τὴν σφετέραν
αὐτῶν ἠναγκάζοντο; κἀκεῖνο πρὸς ἐνθυμηθῶσιν,
ὅτι ὁ αὐτὸς οὗτος ἀνὴρ [Θρασύβουλος][1] αἴτιος
γεγένηται Λεωδάμαντά τε ἀποδοκιμασθῆναι καὶ
τοῦτον δοκιμασθῆναι, τοῦ μὲν κατήγορος γενόμενος,
ὑπὲρ τούτου δὲ ἀπολογήσασθαι παρασκευασάμενος,
ὃς πῶς[2] πρὸς τὴν πόλιν διάκειται[3]
14 καὶ πόσων αἴτιος αὐτῇ κακῶν γεγένηται; ἢ
πιθόμενοι πῶς ἂν οἴεσθε διαβληθῆναι; τότε μὲν
γὰρ ὑμᾶς ᾤοντο ὀργισθέντας Λεωδάμαντα ἀποδοκιμάσαι·
ἐὰν δὲ τοῦτον[4] δοκιμάσητε, εὖ εἴσονται ὅτι
οὐ δικαίᾳ γνώμῃ περὶ αὐτοῦ κέχρησθε. ἔστι δὲ
τούτοις μὲν πρὸς ὑμᾶς ἀγών, ὑμῖν δὲ πρὸς ἅπασαν
τὴν πόλιν, ᾗ σκοπεῖ νυνὶ τίνα ὑμεῖς γνώμην περὶ
15 αὐτῆς ἕξετε. καὶ μηδεὶς ὑμῶν ἡγείσθω με Λεωδάμαντι
χαριζόμενον κατηγορεῖν Εὐάνδρου, ὅτι φίλος
ὢν τυγχάνει, ἀλλ' ὑπὲρ ὑμῶν καὶ τῆς πόλεως προνοούμενον.
ῥᾴδιον δ' ἐξ αὐτοῦ τοῦ πράγματος μαθεῖν.
Λεωδάμαντι γὰρ συμφέρει τοῦτον δοκιμασθῆναι,
οὕτω γὰρ ὑμεῖς μάλιστα διαβληθήσεσθε,
καὶ δόξετε ἀντὶ δημοτικῶν ἀνθρώπων ὀλιγαρχικοὺς
εἰς τὰς ἀρχὰς καθιστάναι· ὑμῖν δὲ τόνδε ἀποδοκιμάσαι,
δόξετε γὰρ κἀκεῖνον δικαίως [ἂν][5] ἀποδοκιμάσαι·
ἐὰν δὲ μηδὲ τόνδε, οὐδ' ἐκεῖνον δικαίως.
16 Καίτοιγε αὐτὸν ἀκούω λέξειν ὡς οὐ περὶ αὐτοῦ
μόνον ἡ δοκιμασία ἐστίν, ἀλλὰ περὶ πάντων τῶν ἐν

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[1] Θρασύβουλος del. Kayser.
[2] ὃς πῶς Hude: ὅπως, ὃς ὅπως MSS.
[3] διάκειται Scaliger: διακεῖσθαι, διέκειτο MSS.
[4] τοῦτον Markland: αὐτὸν MSS.

you responsible for it all, when they put themselves back in those former times, in which many of them were haled to prison and destroyed without trial by these men, or compelled to flee their own country; and when they further reflect that this same person, who has brought about the rejection of Leodamas, has caused this man to qualify, by acting as accuser of the former and undertaking the defence of the latter? And what is the attitude of Evandros towards the city? How many troubles has he brought upon her? Again, if you heed his words, what ill odour must you expect to incur! For, in the former case, they supposed it was anger that caused you to reject Leodamas; but if you approve this man, they will be convinced that you have given an unjust sentence on the other. These men are on their trial before you; but you are on yours before the whole city, which is watching even now to see what view you will take of her. Let none of you imagine that I am accusing Evandros to oblige Leodamas, because he is a friend of mine: no, it is only from my solicitude for you and for the city. This you may easily apprehend from the actual circumstances. For it is to Leodamas's interest that this man should be approved, since that would most surely discredit you, and give you the repute of placing oligarchs instead of democrats in the magistracy; but it is to your interest to reject this man, for you will get the credit of having acted justly also in rejecting the other. But if you do not reject this man, you will appear to have been unjust in the other case also.

And yet, I am told, he will assert that this scrutiny affects, not merely him, but all those who remained

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[5] ἂν del. Dobree.

ἄστει μεινάντων, καὶ τοὺς ὅρκους καὶ τὰς συνθήκας
ὑμᾶς ὑπομνήσειν, ὡς ἐκ τούτων προσληψόμενον
αὐτὸν δοκιμαστὰς τοὺς ἐν ἄστει μείναντας.
ἐγὼ δ᾽ ὑπὲρ τοῦ πλήθους βραχέα πρὸς αὐτὸν
εἰπεῖν βούλομαι, ὅτι ὁ δῆμος οὐ τὴν αὐτὴν γνώμην
ἔχει περὶ πάντων τῶν ἐν ἄστει μεινάντων, ἀλλὰ
[177] περὶ μὲν τῶν τοιαῦτα ἐξαμαρτανόντων οἵαν ἐγώ
17 φημι δεῖν, περὶ δὲ τῶν ἄλλων τὴν ἐναντίαν. τεκμήριον
δέ· οὐ γὰρ ἔλαττον τούτους[1] ἡ πόλις τετίμηκε
τῶν ἐπὶ Φυλὴν ἐλθόντων καὶ τὸν Πειραιᾶ
καταλαβόντων. εἰκότως· τοὺς μὲν γὰρ ἴσασιν
ὁποῖοί τινες ἐν δημοκρατίᾳ μόνῃ γεγένηνται,
ὁποῖοι δ᾽ ἄν τινες ἐν ὀλιγαρχίᾳ γένοιντο, οὔπω πεῖραν
εἰλήφασι· παρὰ δὲ τούτων ἑκατέρας τῆς
πολιτείας ἱκανὴν βάσανον ἔχουσιν, ὥστ᾽ εἰκότως
18 πιστεύειν. καὶ ἡγοῦνταί γε διὰ μὲν τοὺς τοιούτους
συλληφθέντας τότε ἀποθανεῖν, διὰ δὲ τοὺς
ἄλλους [τοὺς συλληφθέντας][2] ἐκφυγεῖν, ἐπεὶ εἴ γε
τὴν αὐτὴν γνώμην ἅπαντες ἔσχον, οὔτ᾽ ἂν φυγὴ
οὔτ᾽ ἂν κάθοδος οὔτ᾽ ἄλλο οὐδὲν ἂν τῶν γεγενημένων
19 τῇ πόλει συνέβη. ἀλλὰ καὶ ὅ[3] ἄλογον δοκεῖ
εἶναι παρά τισιν, ὅπως ποτὲ πολλοὶ ὄντες ὑπ᾽
ὀλίγων τῶν ἐν Πειραιεῖ ἡττήθησαν, οὐδαμόθεν
ἄλλοθεν ἢ ἐκ τῆς τούτων προνοίας γεγένηται·
οὗτοι γὰρ εἵλοντο μετὰ τῶν κατελθόντων πολιτεύεσθαι
μᾶλλον ἢ μετὰ τῶν τριάκοντα Λακεδαιμονίοις
20 δουλεύειν. τοιγάρτοι ἀντὶ τούτων αὐτοὺς

[1] ἔλαττον τούτους Lipsius: ἐλάττους τούτων MSS.
[2] τοὺς συλληφθέντας del. Halbertsma.
[3] ὅ Stephanus: τὸ MSS.

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[a] *i.e.*, not to cherish enmity against the party of the town.
[b] *i.e.*, with severity.

in the city, and he will remind you of your oaths and covenants[a] in the hope that he will thus contrive to enlist the men who remained in the city to aid him in this scrutiny. But I desire, on behalf of the people, to give him this brief reply: the people do not take the same view of all those who remained in the city, but regard those who commit offences like his with the feelings that I say they ought,[b] while towards the rest they feel the opposite. The proof of this is that the latter have received no less honour from the city than those who marched on Phyle and got possession of the Peiraeus. And with good reason: for the character of these last is known to them only as shown under democracy, and they have not yet made trial of what it would be under oligarchy; whereas they have had sufficient test of those others under each kind of government to give grounds for confidence.[c] They consider that the arrests and executions were due to the defendant and his like, whereas the escapes were owing to the other citizens: in fact, if all had been of the same mind as they, neither exile nor restoration nor any other of the events that have occurred would have befallen the city. As to the further point which some find unaccountable,—how it was that their large numbers were worsted by the little band of the Peiraeus,—this can only be attributed to the prudent policy of those citizens; for they chose to concert a government with the restored exiles rather than an enslavement to the Lacedaemonians with the Thirty. It is therefore they, not these persons, whom the

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[c] The more liberal-minded of the party of the town have been tried by the test of oligarchy as well as that of democracy, and deserve the full benefit of the reconciliation.

ὁ δῆμος ταῖς μεγίσταις τιμαῖς τετίμηκεν, ἱππαρχεῖν
καὶ στρατηγεῖν καὶ πρεσβεύειν ὑπὲρ αὑτῶν
αἱρούμενοι· καὶ οὐδέποτε αὐτοῖς μετεμέλησεν. καὶ
διὰ μέν γε τοὺς πολλὰ[1] ἐξαμαρτόντας τὰς δοκιμασίας
εἶναι ἐψηφίσαντο, διὰ δὲ τοὺς μηδὲν
τοιοῦτον πράξαντας τὰς συνθήκας ἐποιήσαντο.
τοσαῦτά σοι[2] ἐγὼ ὑπὲρ τοῦ δήμου ἀποκρίνομαι.

21 Ὑμέτερον δὴ ἔργον ἐστίν, ὦ ἄνδρες βουλευταί,
σκέψασθαι ποτέρῳ ἂν πιθόμενοι περὶ τῆς δοκιμασίας
ταύτης ἄμεινον βουλεύσαισθε, πότερον
ἐμοὶ ἢ Θρασυβούλῳ, ὃς αὑτῷ ἀπολογήσεται.
περὶ μὲν οὖν ἐμοῦ ἢ τοῦ πατρὸς ἢ τῶν προγόνων
οὐδὲν οὗτος εἰπεῖν ἕξει εἰς μισοδημίαν. οὔτε γὰρ
ὡς ὀλιγαρχίας μετέσχον (ὕστερον γὰρ τῶν χρόνων
τούτων ἀνὴρ εἶναι ἐδοκιμάσθην), οὔθ᾽ ὡς ὁ πατήρ
(πρὸ γὰρ τῶν στάσεων πολὺ ἐν Σικελίᾳ ἄρχων
22 ἐτελεύτησεν)· οὐδ᾽ ὡς οἱ πρόγονοι ὑπὸ τοῖς τυράννοις
ἐγένοντο· στασιάζοντες γὰρ πρὸς αὐτοὺς τὸν
ἅπαντα χρόνον διετέλεσαν. ἀλλὰ μὲν δὴ οὐδὲ τὴν
οὐσίαν ἡμᾶς ἐν τῷ πολέμῳ φήσει κτήσασθαι, εἰς
δὲ τὴν πόλιν οὐδὲν ἀνηλωκέναι· πᾶν γὰρ τοὐναντίον,
ἐν εἰρήνῃ μὲν ὀγδοηκοντατάλαντος ἡμῶν ὁ
οἶκος ἐγένετο, εἰς δὲ τὴν τῆς πόλεως σωτηρίαν ἐν
23 τῷ πολέμῳ ἅπας ἀνηλώθη. ἐγὼ δὲ περὶ τούτου
τρία ἕξω εἰπεῖν τηλικαῦτα τὸ μέγεθος, ὥστ᾽ ἄξιον
εἶναι ἕκαστον ἔργον θανάτου· πρῶτον μὲν ὅτι τὴν
ἐν Βοιωτοῖς πολιτείαν χρήματα λαβὼν μετέστησε
καὶ τῆς συμμαχίας ἡμᾶς ταύτης ἀπεστέρησεν,
ἔπειτα ὅτι τὰς ναῦς προὔδωκε καὶ τὴν πόλιν περὶ

[1] πολλὰ Reiske: πολλοὺς mss.
[2] τοσαῦτά σοι Reiske: τοιαύτας οἵας mss.

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[a] In his eighteenth year. [b] Thrasybulus.

people have distinguished with the highest honours, appointing them to cavalry commands, generalships and embassies in their service ; and they have never repented of it. Those who had committed numerous offences caused them to decree the institution of scrutinies ; those who had done nothing of the sort, to make their covenants. So much for my reply to you on behalf of the people.

It is your business, gentlemen of the Council, to inquire whether you will reach a better decision in the matter of this scrutiny by listening to me or to Thrasybulus, who will defend this man. Well, concerning myself or my father or my ancestors he will have nothing to allege that points to hatred of the people. For he cannot say that I took part in the oligarchy, as I underwent the scrutiny for manhood[a] at a later date than that ; or that my father did either, since he died while holding command in Sicily, long before those seditions ; or that my ancestors were subject to the despots, for they continually persisted in raising rebellion against them. Nor yet will he assert that we acquired our fortune in the war, and have spent nothing on the city : quite the contrary, our estate during the peace amounted to eighty talents, and the whole of it was spent in the war on the deliverance of the city. But on my part I shall be able to tell of this person[b] three things so grave in their enormity that each deed is worthy of death. First, for payment received, he raised a revolution in Boeotia, and deprived us of that alliance[c] ; second, he surrendered our ships[d] and con-

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[c] For the influence which this Thrasybulus attained at Thebes *cf.* Aeschines, *Against Ctesiphon*, 138.

[d] In a fight at the Hellespont, 387 B.C. *Cf.* Xenophon, *Hellenica*, v. 1. 27.

24 σωτηρίας βουλεύεσθαι πεποίηκεν, ἔπειτα ὅτι παρὰ τῶν αἰχμαλώτων, οὓς αὐτὸς ἀπώλεσε, τριάκοντα μνᾶς ἐσυκοφάντησεν, οὐ φάσκων αὐτοὺς λύσεσθαι, εἰ μὴ τοῦτο αὐτῷ παρὰ σφῶν αὐτῶν παράσχοιεν. συνειδότες οὖν ἡμῶν ἑκατέρῳ[1] τὸν βίον, πρὸς ταῦτα βουλεύεσθε ὁποτέρῳ χρὴ πιστεύειν περὶ τῆς Εὐάνδρου δοκιμασίας, καὶ οὕτως οὐκ ἐξαμαρτήσεσθε.

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[1] ἑκατέρῳ Reiske: ἑκατέρων MSS.

fronted the city with the problem of its safety ; and last, from the prisoners of war, whose loss he himself had caused, he extracted a bribe of thirty minae, by declaring that he would not obtain their release unless they supplied him with this sum from their own pockets. So now you are acquainted with the life of each of us : decide accordingly which of us two you ought to believe regarding the scrutiny of Evandros, and by so doing you will avoid mistake.

XXVII. AGAINST EPICRATES AND HIS FELLOW-ENVOYS: SUPPLEMENTARY

INTRODUCTION

This short speech is designed as a supplement to the main accusation, which has already been delivered. Its title, *Against Epicrates*, appears to have been wrongly amplified by a grammarian, Theodorus, who added the words "*and his Fellow-envoys*"; for there is no mention of an embassy anywhere in the speech, except in the first sentence, where the same addition has probably been made in order to justify the title. And as we read on, it becomes clear that the accused man was an important Treasury official who was charged with embezzlement, either when he had to render his account of his tenure of office, or by means of a public impeachment. It has been plausibly suggested that Theodorus had in mind the decree of the people which, we learn from Demosthenes,[a] condemned to death Epicrates (perhaps the same man as the subject of this speech) and his fellow-envoys for not following their instructions.

We gather from the general terms in which this accusation is couched that a public man of wealth and influence, who is known as an able speaker, has been accused of embezzling State funds and of taking bribes : if convicted, he can be sentenced to death, and this extreme penalty is demanded by the prosecution. The date of the trial or inquiry is probably about 390 B.C., during the Corinthian War. The terse, business-like vigour of the speech is appropriate to the function of a public prosecutor.

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[a] *De Falsa Legatione*, 276-277.

XXVII. ΚΑΤΑ ΕΠΙΚΡΑΤΟΥΣ ΚΑΙ ΤΩΝ ΣΥΜΠΡΕΣΒΕΥΤΩΝ ΕΠΙΛΟΓΟΣ [ΩΣ ΘΕΟΔΩΡΟΣ][1]

1 Κατηγόρηται μέν, ὦ ἄνδρες Ἀθηναῖοι, Ἐπι-
κράτους ἱκανὰ καὶ τῶν συμπρεσβευτῶν· ἐνθυμεῖσθαι
δὲ χρὴ ὅτι πολλάκις ἠκούσατε τούτων λεγόντων,
ὁπότε βούλοιντό τινα ἀδίκως ἀπολέσαι, ὅτι, εἰ μὴ
καταψηφιεῖσθε ὧν αὐτοὶ κελεύουσιν, ἐπιλείψει[2]
2 ὑμᾶς ἡ μισθοφορά. καὶ νῦν οὐδὲν ἧττον ἐνδεῖ·
[178] ὥστε τὸ μὲν πάθος[3] καὶ ἡ αἰσχύνη διὰ τούτων ὑμῖν
γίγνεται, ἡ δ᾽ ὠφέλεια τούτοις· πεπείρανται γὰρ
ὅτι, ὁπόταν οὗτοι καὶ οἱ τούτων λόγοι δοκῶσιν
αἴτιοι εἶναι ψηφιεῖσθαι ὑμᾶς παρὰ τὸ δίκαιον,
ῥᾳδίως παρὰ τῶν ἀδικούντων χρήματα λαμβάνουσι.
3 καίτοι τίνα χρὴ ἐλπίδα ἔχειν σωτηρίας, ὁπόταν
ἐν χρήμασιν ᾖ καὶ σωθῆναι τῇ πόλει καὶ μή,
ταῦτα δὲ οὗτοι, φύλακες ὑφ᾽ ὑμῶν καταστάντες,
οἱ τῶν ἀδικούντων κολασταί, κλέπτωσί τε καὶ
καταδωροδοκῶσι; καὶ οὐ νῦν πρῶτον ὤφθησαν
ἀδικοῦντες, ἀλλὰ καὶ πρότερον ἤδη δώρων ἐκρί-
4 θησαν. ⟨ὃ⟩[4] καὶ ὑμῖν ἔχω ἐπικαλέσαι ὅτι τοῦ
αὐτοῦ ἀδικήματος Ὀνομάσαντος μὲν κατεψηφί-
σασθε, τούτου δὲ ἀπεψηφίσασθε, τοῦ αὐτοῦ ἀνδρὸς

[1] ὡς Θεόδωρος om. index, del. Bekker.
[2] ἐπιλείψει Reiske: ὑπολείψει MSS.
[3] πάθος Foertsch: πλῆθος MSS. [4] ὃ add. Halbertsma.

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[a] The allusion is to the three obols paid daily to each juryman. The expenses of the judicature were usually

XXVII. AGAINST EPICRATES AND HIS FELLOW-ENVOYS : SUPPLEMENTARY

The accusations that have been made, men of Athens, against Epicrates and his fellow-envoys are sufficient : but you should bear in mind the assertion that you have often heard from the mouths of these men, whenever they sought to ruin somebody unjustly,—that, unless you make the convictions that they demand, your stipends will not be forthcoming.[a] They are none the less deficient to-day ; so that through their act the suffering and the disgrace fall to you, and the profit to them.[b] For they have found by experiment that, whenever they and their speeches seem likely to induce you to give your votes against justice, they easily obtain money from the guilty parties. Yet what hope of safety can be ours, when the preservation or the ruin of the city depends on money, and when these men,—the guardians that you have set up, your chastisers of the guilty,—both rob you and do anything for bribes ? And this is not the first time that they have been caught in criminal acts : they have been tried before now for taking bribes. And here I have to reproach you for having convicted Onomasas[c] and acquitted this man of the same crime, although it was the same

covered by the income from fines and confiscations, and in a time of financial stress this evil alarm might plausibly be raised. *Cf.* Aristophanes, *Knights*, 1359.

[b] The text here is very uncertain.

[c] Nothing is known of this person.

ἁπάντων κατηγοροῦντος καὶ τῶν αὐτῶν καταμαρτυρούντων,
οἳ οὐχ ἑτέρων ἤκουσαν, ἀλλ' αὐτοὶ
ἦσαν οἱ περὶ τῶν χρημάτων καὶ τῶν δώρων πρὸς
5 τούτους πράττοντες. καίτοι τοῦτο ἅπαντες ἐπίστασθε,
ὅτι οὐχ ὅταν τοὺς μὴ δυναμένους λέγειν
κολάζητε, τότε ἔσται παράδειγμα τοῦ μὴ ὑμᾶς
ἀδικεῖν, ἀλλ' ὁπόταν παρὰ τῶν δυναμένων δίκην
λαμβάνητε, τότε πάντες παύσονται ἐπιχειροῦντες
6 εἰς ὑμᾶς ἐξαμαρτάνειν. νῦν δ' ἀσφαλῶς αὐτοῖς
ἔχει τὰ ὑμέτερα κλέπτειν. ἐὰν μὲν γὰρ λάθωσιν,
ἀδεῶς αὐτοῖς ἕξουσι χρῆσθαι· ἐὰν δὲ ὀφθῶσιν, ἢ
μέρει τῶν ἀδικημάτων τὸν κίνδυνον ἐξεπρίαντο, ἢ
εἰς ἀγῶνα καταστάντες τῇ αὐτῶν δυνάμει ἐσώθησαν.
νῦν τοίνυν, ὦ ἄνδρες δικασταί, παράδειγμα
ποιήσατε τοῖς ἄλλοις δικαίοις εἶναι, παρὰ τούτων
7 δίκην λαβόντες. ἥκουσι δὲ πάντες οἱ τὰ τῆς
πόλεως πράττοντες οὐχ ἡμῶν ἀκροασόμενοι, ἀλλ'
ὑμᾶς εἰσόμενοι ἥντινα γνώμην περὶ τῶν ἀδικούντων
ἕξετε. ὥστ' εἰ μὲν ἀποψηφιεῖσθε τούτων, οὐδὲν
δεινὸν δόξει αὐτοῖς εἶναι ὑμᾶς ἐξαπατήσαντας ἐκ
τῶν ὑμετέρων ὠφελεῖσθαι· ἐὰν δὲ καταψηφισάμενοι
θανάτου τιμήσητε, τῇ αὐτῇ ψήφῳ τούς τε ἄλλους
κοσμιωτέρους ποιήσετε ἢ νῦν εἰσι, καὶ παρὰ τούτων
8 δίκην εἰληφότες ἔσεσθε. ἡγοῦμαι δ', ὦ ἄνδρες
Ἀθηναῖοι, οὐδ' εἰ μὴ προθέντες αὐτοῖς κρίσιν, ἢ
ἀπολογουμένων μὴ ἐθελήσαντες ἀκοῦσαι, καταψηφισάμενοι
τῶν ἐσχάτων τιμήσαιτε, οὐκ ἂν
ἀκρίτους αὐτοὺς ἀπολωλέναι, ἀλλὰ τὴν προσήκουσαν
δίκην δεδωκέναι. οὐ γὰρ οὗτοι ἄκριτοί
εἰσι, περὶ ὧν ἂν ὑμεῖς εἰδότες τὰ πραχθέντα
ψηφίσησθε, ἀλλ' οἵτινες ἂν ὑπὸ τῶν ἐχθρῶν δια-

person who accused them all, and they were opposed by the same witnesses; who had not been told by others, but were the very persons who arranged with these men about the money and the gifts. Yet you are all aware that it is not by chastising men who are not able to speak that you will make an example to deter men from wronging you, but that by doing justice upon those who are able you will cause everyone to cease attempting to commit offences against you. But at present they find it quite safe to rob you. For if they are not detected, they will be able to enjoy their booty without fear; while if they are caught, they either buy off the prosecution with part of their ill-gotten gains, or save themselves, on being brought to trial, by their own ability. So this is the moment, gentlemen of the jury, for you to make an example that will ensure the honesty of the rest, by doing justice upon these men. All who are in the administration of the State have come here, not to listen to us, but to know what view you will take of the guilty. Hence if you acquit these men, they will think that there is nothing to fear from deceiving you and making a profit at your expense; but if you condemn them, and sentence them to death, by that same vote you will make the rest more orderly than they are now, and you will have done justice upon these men. And I conceive, men of Athens, that even if you decided, without putting them on trial or consenting to hear their defence, to condemn them to the extreme penalty, they would not have perished unjudged, but would have paid the suitable penalty. For those men are not *unjudged* on whom you have given your verdict with a knowledge of the acts that have been committed, but only those who,

βληθέντες περὶ ὧν ὑμεῖς μὴ ἴστε, ἀκροάσεως μὴ
τύχωσι. τούτων δὲ τὰ μὲν πράγματα κατηγορεῖ,
9 ἡμεῖς δὲ καταμαρτυροῦμεν· καὶ οὐ τοῦτο δέδοικα,
ὡς ἐὰν ἀκροᾶσθε αὐτῶν ἀποψηφιεῖσθε· ἀλλ' οὐκ
ἂν ἡγοῦμαι αὐτοὺς δίκην ἀξίαν δεδωκέναι, εἰ
ἀκροασάμενοι αὐτῶν καταψηφίσαισθε. πῶς γάρ,
ὦ ἄνδρες δικασταί, οἷς οὐδὲ ταὐτὰ καὶ ὑμῖν συμφέρει;
οὗτοι μὲν γὰρ ἐν τῷ πολέμῳ ἐκ πενήτων
πλούσιοι γεγόνασιν ἐκ τῶν ὑμετέρων, ὑμεῖς δὲ
10 διὰ τούτους πένητες. καίτοι οὐ ταῦτα ἀγαθῶν
δημαγωγῶν ἐστι, τὰ ὑμέτερα ἐν ταῖς ὑμετέραις
συμφοραῖς λαμβάνειν, ἀλλὰ τὰ ἑαυτῶν ὑμῖν διδόναι.
καὶ γάρ τοι εἰς τοσοῦτον ἥκομεν, ὥσθ' οἳ πρότερον
ἐν τῇ εἰρήνῃ οὐδὲ σφᾶς αὐτοὺς ἐδύναντο τρέφειν,
νῦν ὑμῖν εἰσφορὰς εἰσφέρουσι καὶ χορηγοῦσι καὶ
11 οἰκίας μεγάλας οἰκοῦσι. καίτοι ἑτέροις ὑμεῖς
ἔστιν ὅτε τὰ πατρῷα κεκτημένοις ταῦτα ποιοῦσιν
ἐφθονεῖτε· νῦν δ' οὕτως ἡ πόλις διάκειται, ὥστε
οὐκέτι ὧν οὗτοι κλέπτουσιν ὀργίζεσθε, ἀλλ' ὧν
αὐτοὶ λαμβάνετε χάριν ἴστε, ὥσπερ ὑμεῖς τὰ
τούτων μισθοφοροῦντες, ἀλλ' οὐ τούτων τὰ ὑμέτερα
12 κλεπτόντων. τὸ δὲ πάντων ὑπερφυέστατον, ὅτι
ἐν μὲν τοῖς ἰδίοις <οἱ>[1] ἀδικούμενοι δακρύουσι
καὶ ἐλεινοί εἰσιν, ἐν δὲ τοῖς δημοσίοις οἱ μὲν
ἀδικοῦντες ἐλεινοί, ὑμεῖς δ' οἱ ἀδικούμενοι ἐλεεῖτε.
καὶ νῦν ἴσως ποιήσουσιν ἅπερ καὶ πρότερον ἦσαν
εἰθισμένοι καὶ δημόται καὶ φίλοι, κλαίοντες
13 ἐξαιτεῖσθαι αὐτοὺς παρ' ὑμῶν. ἐγὼ δ' οὕτως
[179] ἀξιῶ γενέσθαι· εἰ μὲν ἀδικεῖν τούτους μηδὲν

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[1] οἱ add. Contius.

traduced by their enemies in matters of which you have no knowledge, fail to get a hearing. These men are accused by the facts: we are merely the witnesses against them. I have no fear that, if you hear them, you will acquit them; but I consider that they would not have paid the penalty they deserved if you condemned them only after having heard them. Could it be so, gentlemen, when they have not even the same interests as you? During the war these men have advanced themselves from poverty to wealth at your expense, while you are in poverty because of them. Yet surely it is the duty of true leaders of the people not to take your property in the stress of your misfortunes, but to give their own property to you. And here we have come to such a pass that those who formerly, in the period of peace, were unable even to support themselves, are now contributing to your special levies, producing dramas and dwelling in great houses. Yet there was a time when you begrudged others the doing of these things with the means inherited from their fathers; whereas now the city is in such a plight that you are no longer incensed by the thefts of these people, but are thankful for what you can obtain for yourselves, as though it were you who were in their pay, and not they who were robbing you! Most preposterous of all, while in private suits it is the wronged who weep and arouse pity, in public suits it is the wrongdoers who arouse pity, and you, the wronged, who pity them. So now, perhaps, fellow-townsmen and friends, in their old habitual way, will cry out and implore you to spare them. But, in my view, the proper course is this: if they believe these men to be free from guilt, let

νομίζουσιν, ἀποδείξαντας ὡς ψευδῆ τὰ κατηγορημένα,
οὕτως πείθειν ὑμᾶς ἀποψηφίσασθαι·
εἰ δὲ νομίσαντες ἀδικεῖν αἰτήσονται, δῆλον ὅτι
τοῖς ἀδικοῦσιν εὐνούστεροί εἰσιν ἢ ὑμῖν τοῖς
ἀδικουμένοις, ὥστ' οὐ χάριτος ἄξιοι τυχεῖν ἀλλὰ
14 τιμωρίας, ὁπόταν ὑμεῖς δύνησθε. ἔτι δὲ τοὺς
αὐτοὺς ἡγεῖσθαι χρὴ καὶ τῶν κατηγόρων σφόδρα
δεδεῆσθαι,[1] νομίζοντας πολὺ ἂν θᾶττον παρ' ἡμῶν
ὀλίγων ὄντων ταύτην τὴν χάριν λαμβάνειν ἢ παρ'
ὑμῶν, ἔτι δὲ ῥᾷον ἄλλους τινὰς <τὰ>[2] ὑμέτερα
15 καταχαρίζεσθαι ἢ ὑμᾶς αὐτούς γε. ἡμεῖς μὲν
τοίνυν οὐκ ἠθελήσαμεν προδοῦναι, ἀξιοῦμεν δὲ
μηδ' ὑμᾶς, ἐνθυμουμένους ὅτι σφόδρ' ἂν ἡμῖν
ὠργίζεσθε καὶ ἐτιμωρεῖσθε, ὅπου παρεπίπτομεν,
ὡς εἰκὸς τοὺς ἀδικοῦντας, εἰ ἡμεῖς παρὰ τούτων
ἢ χρήματα λαβόντες ἢ ἄλλῳ τινὶ τρόπῳ διηλλάγημεν.
καίτοι εἰ τοῖς μὴ δικαίως ἐπεξιοῦσιν
ὀργίζεσθε, ἦ που σφόδρα χρὴ αὐτοὺς τοὺς ἀδικοῦντας
16 τιμωρεῖσθαι. νῦν τοίνυν, ὦ ἄνδρες δικασταί,
καταψηφισάμενοι Ἐπικράτους τῶν ἐσχάτων
τιμήσατε,[3] καὶ μή, ὥσπερ ἐν τῷ τέως
χρόνῳ εἰθισμένοι ἐστέ, ἐπειδὰν καταψηφισάμενοι
ἐξελέγξητε τοὺς ἀδικοῦντας, ἐν τῷ τιμήματι
ἀζημίους ἀφίετε, ἔχθραν, οὐ δίκην παρὰ τῶν
ἀδικούντων λαμβάνοντες, ὥσπερ τοῦ ὀνείδους
ἀλλ' οὐ τῆς ζημίας αὐτοῖς μέλον, εὖ εἰδότες ὅτι
ἐν μὲν τῇ ψήφῳ οὐδὲν ἄλλο ποιεῖτε ἢ ὀνειδίζετε
τοῖς ἀδικοῦσιν, ἐν δὲ τῷ τιμήματι τιμωρεῖσθε
τοὺς ἐξαμαρτάνοντας.

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[1] δεδεῆσθαι P. Müller: δεήσεσθαι mss.

[2] τὰ add. Aldus.

[3] τιμήσατε Stephanus: τιμωρήσατε mss.

them prove that the accusations are false, and so persuade you to acquit them ; but if they are going to beg them off in the belief that they are guilty, it is plain that they have more consideration for the wrongdoers than for you, the wronged ; so that they do not deserve to get indulgence, but punishment, as soon as you can inflict it. Besides, you may take it that these same persons have plied the prosecution with urgent requests, supposing that they would obtain this indulgence more quickly from our small number than from you, and also that other hands would be readier than your own to make a present of your property. Now, we have refused to be traitors, and we expect no less of you : reflect that you would be highly incensed with us, and would punish us at any opportunity, as criminals deserve, had we come to terms with these men, either by taking payment or by any other means. Yet if you are incensed with those who do not go through with their suit as justice requires, surely you are bound to punish the actual offenders. So now, gentlemen of the jury, after condemning Epicrates you must sentence him to the extreme penalty. Do not take the course, to which you have hitherto been accustomed, of convicting the guilty by an adverse verdict, and then letting them go unscathed when you come to the sentence : this procures you the enmity, not the punishment, of the guilty, as though it were the disgrace, and not the penalty, that gave them concern. For you are well aware that by your verdict you merely disgrace the guilty, but that by your sentence you exact vengeance for the crimes that they commit.

XXVIII. AGAINST ERGOCLES: SUPPLEMENTARY

INTRODUCTION

This is another short speech delivered by a public prosecutor in support of a detailed accusation which has already been presented. In 389 B.C. Ergocles accompanied Thrasybulus, the hero of the democratic victory in 403 B.C., on a naval expedition along the coast of Asia Minor. Thrasybulus's orders were to assert the authority of Athens over the various cities and collect tribute. He went first to the Hellespont, levied money from the Thracian cities and secured the friendship of the prince Seuthes. Although ordered to return and render account of the funds that he had obtained, he sailed on to Byzantium, where he occupied the town and revived its democracy and its alliance with Athens, and then proceeded to raise contributions from the cities along the coast of Asia Minor. At Aspendus the people, resenting an outrage committed by his men, attacked and killed him with some others of his party.

The Athenians, though doubtless gratified by the general success of the expedition, had been growing suspicious of this prolonged process of money-raising: it is probable that rumours of oppressive measures and embezzlement had reached them from time to time. Hearing now of the sudden and inglorious end of Thrasybulus, they recalled the fleet, which had set out forty strong, and they were exasperated at finding only a miserable remnant of battered vessels. Their anger was concentrated upon Ergocles, who on his recall was impeached before the Assembly, and found guilty of treason, embezzlement and taking bribes. Brought up again before the Assembly at which the present speech was delivered, he was condemned to death and his property was confiscated (388 B.C.).

The speech is marked by the same business-like brevity as we saw in the preceding one *Against Epicrates*, though its appeals to feeling are couched in somewhat ampler and more balanced phrases. A picture is drawn of Ergocles oppressing citizens of friendly cities, pocketing public moneys, and letting the fleet fall into decay. Thrasybulus did well to die just then: his colleagues are trying to save themselves by bribery. Ergocles may claim that he has shown himself a good democrat, but his conduct has been worse than that of the Thirty. Greece, and Ionian cities like Halicarnassus, must have the satisfaction of seeing the punishment of their betrayers.

XXVIII. ΚΑΤΑ ΕΡΓΟΚΛΕΟΥΣ ΕΠΙΛΟΓΟΣ

1 Τὰ μὲν κατηγορημένα οὕτως ἐστὶ πολλὰ καὶ
δεινά, ὦ ἄνδρες Ἀθηναῖοι, ὥστε οὐκ ἄν μοι δοκεῖ
δύνασθαι Ἐργοκλῆς ὑπὲρ ἑνὸς ἑκάστου τῶν πεπραγμένων
αὐτῷ πολλάκις ἀποθανὼν δοῦναι δίκην
ἀξίαν τῷ ὑμετέρῳ πλήθει. καὶ γὰρ πόλεις προδεδωκὼς
φαίνεται, καὶ προξένους καὶ πολίτας
ὑμετέρους ἠδικηκώς, καὶ ἐκ πένητος ἐκ τῶν
2 ὑμετέρων πλούσιος γεγενημένος. καίτοι πῶς
αὐτοῖς χρὴ συγγνώμην ἔχειν, ὅταν ὁρᾶτε τὰς μὲν
ναῦς, ὧν ἦρχον οὗτοι, δι' ἀπορίαν χρημάτων καταλυομένας
καὶ ἐκ πολλῶν ὀλίγας γιγνομένας, τούτους
δὲ πένητας καὶ ἀπόρους ἐκπλεύσαντας οὕτως
ταχέως πλείστην τῶν πολιτῶν οὐσίαν κεκτημένους;
ὑμέτερον τοίνυν ἔργον ἐστίν, ὦ ἄνδρες
3 Ἀθηναῖοι, ἐπὶ τοῖς τοιούτοις ὀργίζεσθαι· καὶ γὰρ
δὴ δεινὸν ἂν εἴη, εἰ νῦν μὲν οὕτως αὐτοὶ πιεζόμενοι
ταῖς εἰσφοραῖς συγγνώμην τοῖς κλέπτουσι
καὶ τοῖς δωροδοκοῦσιν ἔχοιτε, ἐν δὲ τῷ τέως
χρόνῳ, καὶ τῶν οἴκων τῶν ὑμετέρων μεγάλων
ὄντων καὶ τῶν δημοσίων προσόδων μεγάλων
οὐσῶν, θανάτῳ ἐκολάζετε τοὺς τῶν ὑμετέρων
4 ἐπιθυμοῦντας. οἶμαι δ' ἔγωγε πάντας ⟨ἂν⟩[1]
ὑμᾶς ὁμολογῆσαι, εἰ ὑμῖν Θρασύβουλος ἐπηγγέλ-

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[1] ἂν add. Auger.

XXVIII. AGAINST ERGOCLES: SUPPLEMENTARY

The counts of the accusation are so many and so grave, men of Athens, that not even were he put to death a number of times for each one of his acts would Ergocles be able, in my opinion, to give your people due satisfaction. For it is evident that he has betrayed cities, wronged your representatives and your citizens, and advanced himself from poverty to wealth at your expense. Now tell me, how can you forgive these persons, when you see the fleet that they commanded breaking up for want of money and dwindling in numbers,[a] while these men, who were poor and needy on sailing out, have so quickly acquired the largest fortune in the city? It is your duty, therefore, men of Athens, to show indignation at such conduct. And indeed it would be strange if now, when you are yourselves thus oppressed by the special levies, you should forgive men who embezzle and take bribes; and yet heretofore, when your estates were ample and the public revenue was ample too, those who coveted your property you punished with death. I think you will all agree that, if Thrasybulus had proposed to you that he should

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[a] Diodorus Siculus (xiv. 94) mentions a storm in which Thrasybulus lost 23 warships.

λετο τριήρεις ἔχων ἐκπλεύσεσθαι καὶ ταύτας παλαιὰς
ἀντὶ καινῶν παραδώσειν, καὶ τοὺς μὲν κινδύνους
ὑμετέρους ἔσεσθαι, τὰς δ' ὠφελείας τῶν αὑτοῦ
φίλων, καὶ ὑμᾶς μὲν διὰ τὰς εἰσφορὰς πενεστέρους
ἀποδείξειν, Ἐργοκλέα δὲ καὶ τοὺς κόλακας τοὺς
αὑτοῦ πλουσιωτάτους τῶν πολιτῶν ποιήσειν, οὐδένα
ἂν ὑμῶν ἐπιτρέψαι τὰς ναῦς ἐκεῖνον ἔχοντα
5 ἐκπλεῦσαι, ἄλλως τε ἐπειδή, ὡς[1] τάχιστα ὑμεῖς
ἐψηφίσασθε τὰ χρήματα ἀπογράψαι τὰ ἐκ τῶν
πόλεων εἰλημμένα καὶ τοὺς ἄρχοντας τοὺς μετ'
ἐκείνου καταπλεῖν εὐθύνας δώσοντας, Ἐργοκλῆς
ἔλεγεν ὡς ἤδη συκοφαντεῖτε καὶ τῶν ἀρχαίων
νόμων ἐπιθυμεῖτε, καὶ Θρασυβούλῳ συνεβούλευε
[180] Βυζάντιον καταλαβεῖν καὶ τὰς ναῦς ἔχειν καὶ τὴν
6 Σεύθου θυγατέρα γαμεῖν· "ἵνα αὐτῶν ἐκκόψῃς" ἔφη
"τὰς συκοφαντίας· ποιήσεις γὰρ αὐτοὺς οὐκ ἐπιβουλεύοντας
σοὶ καθῆσθαι καὶ τοῖς σοῖς φίλοις,
ἀλλὰ περὶ αὑτῶν δεδιέναι." οὕτως, ὦ ἄνδρες
Ἀθηναῖοι, ἐπειδὴ τάχιστα ἐνεπέπληντο καὶ ⟨τῶν⟩[2]
ὑμετέρων ἀπέλαυσαν, ἀλλοτρίους τῆς πόλεως
7 αὑτοὺς ἡγήσαντο. ἅμα[3] γὰρ πλουτοῦσι καὶ ὑμᾶς
μισοῦσι, καὶ οὐκέτι ὡς ἀρξόμενοι παρασκευάζονται
ἀλλ' ὡς ὑμῶν ἄρξοντες, καὶ δεδιότες
ὑπὲρ ὧν ἀφῄρηνται ἕτοιμοί εἰσι καὶ χωρία καταλαμβάνειν
καὶ ὀλιγαρχίαν καθιστάναι καὶ πάντα
πράττειν ὅπως ὑμεῖς ἐν τοῖς δεινοτάτοις κινδύνοις
καθ' ἑκάστην ἡμέραν ἔσεσθε· οὕτως γὰρ ἡγοῦνται
οὐκέτι τοῖς σφετέροις αὐτῶν ἁμαρτήμασι τὸν νοῦν
ὑμᾶς προσέξειν, ἀλλ' ὑπὲρ ὑμῶν αὑτῶν καὶ τῆς
πόλεως ὀρρωδοῦντας ἡσυχίαν πρὸς τούτους ἕξειν.

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[1] *ὡς* Hude: *καὶ* mss.

[2] *τῶν* add. Aldus.

[3] *ἅμα* Reiske: *ἀλλὰ* mss.

sail out with warships which he was to deliver up worn-out instead of new; that the dangers were to be yours, while the benefits would accrue to his own friends; and that he would reduce you to worse poverty owing to the levies, but would make Ergocles and his other adulators the wealthiest men in the city,—not one of you would have given the man permission to sail out with your ships. And to make matters worse, as soon as you had decreed that an inventory be made of the sums obtained from the cities, and that his fellow-commanders should sail home to undergo their audit, Ergocles said that there you were at your slander-mongering and hankering after the ancient laws,[a] and he advised Thrasybulus to occupy Byzantium, keep the ships, and marry Seuthes'[b] daughter: "by this means," he told him, "you will cut short their slander-mongering; for you will make them sit still, contriving no harm against you and your friends, but full of fear for themselves." So far did they go, men of Athens,—as soon as they had gorged themselves and were regaled with your possessions,—in regarding themselves as alien to the city. No sooner are they rich than they hate you; they plan thenceforth, not to be your subjects, but to be your rulers, and, apprehensive for the fruits of their depredations, they are ready to occupy strongholds, establish an oligarchy, and seek every means of exposing you, day after day, to the most awful dangers. The result will be, they expect, that you will cease paying attention to their particular offences and, in terror for yourselves and for the city, will leave them

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[a] Which regulated the collection of tribute from the states subject to Athens down to the time of the Peloponnesian War.

[b] A prince of Thrace friendly to Thrasybulus.

8 Θρασύβουλος μὲν οὖν, ὦ ἄνδρες Ἀθηναῖοι, (οὐδὲν
γὰρ δεῖ περὶ αὐτοῦ πλείω λέγειν) καλῶς ἐποίησεν
οὕτως τελευτήσας τὸν βίον· οὐ γὰρ ἔδει αὐτὸν
οὔτε ζῆν τοιούτοις ἔργοις ἐπιβουλεύοντα, οὔθ’ ὑφ’
ὑμῶν ἀποθανεῖν ἤδη τι δοκοῦντα ὑμᾶς ἀγαθὸν
πεποιηκέναι, ἀλλὰ τοιούτῳ τρόπῳ τῆς πόλεως
9 ἀπαλλαγῆναι. ὁρῶ δ’ αὐτοὺς διὰ τὴν πρῴην ἐκκλησίαν
οὐκέτι φειδομένους τῶν χρημάτων, ἀλλ’ ὠνουμένους
τὰς αὐτῶν ψυχὰς καὶ παρὰ τῶν λεγόντων
καὶ παρὰ τῶν ἐχθρῶν καὶ παρὰ τῶν πρυτάνεων,
καὶ πολλοὺς Ἀθηναίων ἀργυρίῳ διαφθείροντας.
ὑπὲρ ὧν ὑμῖν ἄξιόν ἐστιν ἀπολογήσασθαι παρὰ
τούτου νῦν δίκην λαβοῦσι, καὶ πᾶσιν ἀνθρώποις
ἐπιδεῖξαι ὅτι οὐκ ἔστι τοσαῦτα χρήματα, ὧν ὑμεῖς
ἡττήσεσθε ὥστε μὴ τιμωρεῖσθαι τοὺς ἀδικοῦντας.
10 ἐνθυμεῖσθε γάρ, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐκ
Ἐργοκλῆς μόνος κρίνεται, ἀλλὰ καὶ ἡ πόλις ὅλη.
νυνὶ γὰρ τοῖς ἄρχουσι τοῖς ὑμετέροις ἐπιδείξετε
πότερον χρὴ δικαίους εἶναι, ἢ ὡς πλεῖστα τῶν ὑμετέρων
ὑφελομένους τῷ αὐτῷ τρόπῳ τὴν σωτηρίαν
παρασκευάζεσθαι, ᾧπερ οὗτοι νυνὶ πειρῶνται.
11 καίτοι εὖ εἰδέναι χρή, ὦ ἄνδρες Ἀθηναῖοι[1]· ὅστις
ἐν τοσαύτῃ ἀπορίᾳ τῶν ὑμετέρων πραγμάτων ἢ
πόλεις προδίδωσιν ἢ χρήματα κλέπτειν ἢ δωροδοκεῖν
ἀξιοῖ, οὗτος καὶ τὰ τείχη καὶ τὰς ναῦς τοῖς
πολεμίοις παραδίδωσι καὶ ὀλιγαρχίαν ἐκ δημοκρατίας
καθίστησιν· ὥστ’ οὐκ ἄξιον ὑμῖν τῆς τούτων
παρασκευῆς ἡττᾶσθαι, ἀλλὰ παράδειγμα πᾶσιν
ἀνθρώποις ποιῆσαι καὶ μήτε κέρδος μήτε ἔλεον

[1] Ἀθηναῖοι Schott: δικασταί MSS.

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[a] He was killed in a riot at Aspendus, 389–388 B.C.

in peace. Now, as for Thrasybulus, men of Athens, —for there is no need to say more about him,—he did well to end his life as he did[a]: for it was not right for him either to live in the prosecution of such schemes or to suffer death at your hands with his repute of having served you well in the past, but rather to settle his account with the city in that sort of way. But the others, I see, in consequence of the Assembly that was held two days ago,[b] are no longer sparing their money, but are purchasing their lives from the speakers, from their enemies, and from the Committee,[c] and are corrupting numerous Athenians with hard cash. It is your duty to clear yourselves of that suspicion by punishing this man to-day, and to make it plain to all people that there is no sum large enough to overcome you in your purpose of exacting requital from the guilty. For you must reflect, men of Athens, that it is not Ergocles alone, but the whole city as well, that is on trial. To-day you are to demonstrate to your officers whether they ought to be upright or, after abstracting as much of your property as they can, to compass their salvation by the same means as these men are now applying. Well, of one thing you may be assured, men of Athens: whoever in this serious stringency of your affairs either betrays your cities or decides to steal your money or receive bribes, is the very man to surrender your walls and your ships to the enemy, and to establish oligarchy in place of democracy. It is not right, then, that you should be mastered by their devices: you should rather make an example for all men to see, and regard neither profit nor pity nor

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[b] When Ergocles had been voted guilty.

[c] See XXII., *Against the Corn-Dealers*, 2, and note, p. 492.

μήτ' ἄλλο μηδὲν περὶ πλείονος ποιήσασθαι τῆς
τούτων τιμωρίας.
12 Οἶμαι δ' Ἐργοκλέα, ὦ ἄνδρες Ἀθηναῖοι, περὶ
μὲν Ἁλικαρνασσοῦ καὶ περὶ τῆς ἀρχῆς καὶ περὶ
τῶν αὐτῷ πεπραγμένων οὐκ ἐπιχειρήσειν ἀπολογεῖσθαι,
ἐρεῖν δὲ ὡς ἀπὸ Φυλῆς κατῆλθε καὶ ὡς
δημοτικός ἐστι καὶ ὡς τῶν κινδύνων τῶν ὑμετέρων
μετέσχεν. ἐγὼ δέ, ὦ ἄνδρες Ἀθηναῖοι, ‹οὐ›[1]
13 τοιαύτην γνώμην ἔχω περὶ τῶν τοιούτων· ἀλλ'
ὅσοι μὲν ἐλευθερίας καὶ τοῦ δικαίου ἐπιθυμοῦντες
καὶ τοὺς νόμους ἰσχύειν[2] βουλόμενοι καὶ τοὺς
ἀδικοῦντας μισοῦντες τῶν ὑμετέρων κινδύνων
μετέσχον, οὐ πονηροὺς εἶναι πολίτας, οὐδὲ ἀδίκως
τούτοις φημὶ ἂν εἶναι ὑπόλογον τὴν ἐκείνων φυγήν·
ὅσοι δὲ κατελθόντες ἐν δημοκρατίᾳ τὸ μὲν ὑμέτερον
πλῆθος ἀδικοῦσι, τοὺς δὲ ἰδίους οἴκους ἐκ τῶν
ὑμετέρων μεγάλους ποιοῦσι, πολὺ μᾶλλον αὐτοῖς
14 προσήκει ὀργίζεσθαι ἢ τοῖς τριάκοντα. οἱ μὲν γὰρ
ἐπὶ τοῦτ' ἐχειροτονήθησαν, ἵνα κακῶς, εἴ πῃ
δύναιντο, ὑμᾶς ποιήσειαν· τούτοις δ' ὑμᾶς αὐτοὺς
ἐπετρέψατε, ὡς μεγάλην καὶ ἐλευθέραν τὴν πόλιν
ποιήσωσιν· ὧν ὑμῖν οὐδὲν ἀποβέβηκεν, ἀλλὰ τὸ
ἐπὶ τούτοις εἶναι ἐν τοῖς δεινοτάτοις κινδύνοις
καθεστήκατε, ὥστε πολὺ ἂν δικαιότερον ὑμᾶς
αὐτοὺς ἢ τούτους ἐλεοῖτε, καὶ τοὺς ὑμετέρους
παῖδας καὶ γυναῖκας, ὅτι ὑπὸ τοιούτων ἀνδρῶν
15 λυμαίνεσθε. ὅταν γὰρ ἡγησώμεθα σωτηρίας
ἀντειλῆφθαι, δεινότερα ὑπὸ τῶν ἡμετέρων ἀρχόντων
πάσχομεν ἢ ὑπὸ τῶν πολεμίων. καίτοι
[181] πάντες ἐπίστασθε ὅτι οὐδεμία ἐλπὶς σωτηρίας ὑμῖν
δυστυχήσασιν. ὥστε ἄξιον ὑμᾶς παρακελευσα-

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[1] οὐ add. Aldus.

[2] ἰσχύειν Markland: ἴσχειν MSS.

aught else as more important than the punishment of these men.

I do not suppose, men of Athens, that in regard to Halicarnassus and his command and his own proceedings Ergocles will attempt any justification, but that he will state that he returned from Phyle,[a] that he is a democrat, and that he bore his share in your dangers. But I, men of Athens, do not view the position in that sort of way. Those who, longing for liberty and justice, desiring the maintenance of the laws and hating wrongdoers, shared in your dangers, I do not regard as bad citizens, nor would it be unfair, I say, that the exile of that party should be reckoned into their account. But those who, after their return, do injury to your people under a democracy, and enlarge their private properties at your expense, deserve to feel your wrath far more than the Thirty. The latter were elected for the very purpose of doing you harm by any available means, whereas you have entrusted yourselves to these men in order that they may promote the greatness and freedom of the city. Nothing of the sort have you secured: so far as they could, they have involved you in the most awful dangers; and hence you would be far more justified in pitying yourselves, your children and your wives than these men, when you think of the ravages that you suffer at such hands as theirs. For, just when we are convinced that we have salvation in our grasp, we meet with more terrible treatment from our officers than from the enemy. Of course you all understand that you have no hope of salvation if you undergo a reverse.[b] You

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[a] With the democrats in 403 B.C.

[b] The reference is to the depletion of the Treasury.

μένους ὑμῖν αὐτοῖς παρὰ τούτων νυνὶ τὴν μεγίστην
δίκην λαβεῖν, καὶ τοῖς ἄλλοις Ἕλλησιν ἐπιδεῖξαι
ὡς τοὺς ἀδικοῦντας τιμωρεῖσθε, καὶ τοὺς ὑμετέρους
16 ἄρχοντας βελτίους ποιήσετε. ἐγὼ μὲν οὖν ταῦθ'
ὑμῖν παρακελεύομαι· ὑμᾶς δὲ χρὴ εἰδέναι ὅτι, ἐὰν
μὲν ἐμοὶ πεισθῆτε, εὖ περὶ αὐτῶν βουλεύσεσθε, εἰ
δὲ μή, χείροσι τοῖς ἄλλοις πολίταις χρήσεσθε. ἔτι
δέ, ὦ ἄνδρες Ἀθηναῖοι, ἐὰν αὐτῶν ἀποψηφίσησθε,
οὐδεμίαν ὑμῖν εἴσονται χάριν, ἀλλὰ τοῖς ἀνηλωμένοις
καὶ τοῖς χρήμασιν οἷς ὑφῄρηνται· ὥστε
τὴν μὲν ἔχθραν ὑμῖν αὐτοῖς καταλείψετε, τῆς δὲ
17 σωτηρίας ἐκείνοις εἴσονται χάριν. καὶ μὲν δή, ὦ
ἄνδρες Ἀθηναῖοι, καὶ Ἁλικαρνασσεῖς καὶ οἱ ἄλλοι
οἱ ὑπὸ τούτων ἠδικημένοι, ἐὰν μὲν παρὰ τούτων
τὴν μεγίστην δίκην λάβητε, νομιοῦσιν ὑπὸ τούτων
μὲν ἀπολωλέναι, ὑμᾶς δὲ αὐτοῖς βεβοηθηκέναι·
ἐὰν δὲ τούτους σώσητε, ἡγήσονται καὶ ὑμᾶς ὁμογνώμονας
γεγονέναι τοῖς αὐτοὺς προδεδωκόσιν.
ὥστ' ἄξιον τούτων ἁπάντων ἐνθυμηθέντας ἅμα
τοῖς τε φίλοις τοῖς ὑμετέροις ἀποδοῦναι χάριν καὶ
παρὰ τῶν ἀδικούντων τὴν δίκην λαβεῖν.

ought therefore to exhort yourselves to impose on these men to-day the extreme penalty, and to make it evident to the rest of Greece that you punish the guilty and mean to reform your officers. This, at least, is my own exhortation to you ; and you should know that, if you take my advice, you will decide wisely for yourselves, but if not, you will find the rest of the citizens more unruly. Besides, men of Athens, if you acquit them, they will not be thankful to you, but to their expenditure and to the funds that they have embezzled ; so that, while you endow yourselves with their enmity, they will thank those means for their salvation. Furthermore, men of Athens, both the people of Halicarnassus and the other victims of these men, if you inflict the extreme penalty upon them, will feel that, although they have been ruined by these persons, they have been vindicated by you ; but if you save their lives, they will suppose that you have put yourselves in accord with their betrayers. So, bearing all these points in mind, you ought by the same act to show your gratitude to your friends and to do justice upon the guilty.

XXIX. AGAINST PHILOCRATES: SUPPLEMENTARY

INTRODUCTION

This little speech of a public prosecutor deals with a writ which has been issued against Philocrates, an associate of Ergocles, who probably has now been put to death, and whose property has been confiscated.[a] A sum of thirty talents, however, was missing from that ill-gotten fortune, and Philocrates, who had sailed as purser in charge of one of the warships commanded by Thrasybulus and Ergocles, is charged with keeping back this money from the State. The speech merely adds certain considerations to an accusation that has already been made, nor can it be said to tell very strongly against Philocrates. The argument that the absence of other accusers shows that the defendant has been using the money in question to buy them off is not impressive: he may just as well be innocent. Again, the assertion that Philocrates was in the confidence of Ergocles is not substantiated in any way; and the conclusion merely calls for the severest punishment upon him as a peculator of public funds. The date of the hearing is 388 B.C.

[a] See the preceding speech, XXVIII., *Against Ergocles.*

XXIX. ΚΑΤΑ ΦΙΛΟΚΡΑΤΟΥΣ ΕΠΙΛΟΓΟΣ

1 Ὁ μὲν ἀγὼν οὗτος, ὦ ἄνδρες δικασταί, ἐρημότερος
γεγένηται ἢ ἐγὼ προσεδόκων. πολλοὶ γὰρ
ἦσαν οἱ ἀπειλοῦντες καὶ οἱ φάσκοντες Φιλοκράτους
κατηγορήσειν· ὧν οὐδεὶς νυνὶ φαίνεται. ὃ κἀμοὶ
δοκεῖ οὐδενὸς ἔλαττον εἶναι τεκμήριον τῆς ἀπογραφῆς
ὅτι ἀληθὴς οὖσα τυγχάνει· εἰ γὰρ μὴ πολλὰ
τῶν Ἐργοκλέους εἶχε χρημάτων, οὐκ ἂν οὕτως
2 οἷός τ' ἦν ἀπαλλάξαι τοὺς κατηγόρους. ἐγὼ δέ,
ὦ ἄνδρες δικασταί, πάντας ὑμᾶς ἡγοῦμαι εἰδέναι
ὅτι Ἐργοκλέους διὰ τοῦτο ὑμεῖς θάνατον κατεχειροτονήσατε,
ὅτι κακῶς διαθεὶς τὰ τῆς πόλεως
πλέον ἢ τριάκοντα ταλάντων οὐσίαν ἐκτήσατο.
καὶ τούτων τῶν χρημάτων οὐδὲν ἐν τῇ πόλει φαίνεται.
καίτοι ποῖ χρὴ τραπέσθαι ἢ ποῦ ζητῆσαι τὰ
χρήματα; εἰ γὰρ παρὰ τοῖς κηδεσταῖς καὶ οἷς
ἐκεῖνος οἰκειότατ' ἀνθρώπων ἐχρῆτο μὴ φανήσεται,
3 χαλεπῶς παρὰ τοῖς ἐχθροῖς εὑρεθήσεται. τίνα
δὲ Ἐργοκλῆς περὶ πλείονος Φιλοκράτους ἐποιεῖτο,
ἢ πρὸς τίν' ἀνθρώπων διέκειτο οἰκειότερον; οὐ
τῶν μὲν ὑμετέρων ὁπλιτῶν[1] αὐτὸν ἐξήγαγε, τῶν

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[1] ὁπλιτῶν Taylor: πολιτῶν mss.

XXIX. AGAINST PHILOCRATES: SUPPLEMENTARY

In this action, gentlemen of the jury, we have had more default of accusers than I expected. There were many persons who made threats and declared that they would accuse Philocrates; but not one of them is forthcoming at the moment. This fact, in my opinion, is a signal proof that the terms of the writ[a] are correct. For if the defendant were not in possession of a great part of Ergocles' money, he would not be so successful in getting rid of his accusers. But I expect, gentlemen, that you are all aware that the reason why you voted for the death-sentence upon Ergocles was because his misappropriation of public funds had procured him a fortune of more than thirty talents. Of that money not a sign is to be found in the city. Yet whither should we turn, where are we to look, for the money? For if it cannot be found in the hands of his relatives and the persons with whom he was most intimately associated, we shall have a hard task to discover it in the hands of his enemies. And whom did Ergocles value more than Philocrates, or with what man alive had he more intimate relations? Did he not pick him from amongst your infantry for service abroad, and make

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[a] For the recovery of money unlawfully withheld from the State; *cf.* IX., *For the Soldier*, p. 182.

δ' αὐτοῦ χρημάτων ταμίαν ἐποίησε, καὶ τὸ τελευ-
4 ταῖον τριήραρχον αὐτὸν κατέστησε; καίτοι δεινὸν
εἰ οἱ μὲν τὰς οὐσίας ἔχοντες ὀλοφύρονται τριηρ-
αρχοῦντες, οὗτος δὲ οὐδὲν πρότερον κεκτημένος
ἐν ἐκείνῳ τῷ χρόνῳ ἐθελοντὴς ὑπέστη ταύτην τὴν
λῃτουργίαν. οὐκοῦν δὴ οὐχ ὡς ζημιωθησόμενον
αὐτὸν τριήραρχον κατέστησεν, ἀλλ' ὡς ὠφε-
ληθησόμενον καὶ φυλάξοντα τὰ αὑτοῦ χρήματα,
οὐκ ἔχων ὅτῳ χρὴ μᾶλλον τούτου πιστεῦσαι.
5 ἡγοῦμαι δέ, ὦ ἄνδρες δικασταί, Φιλοκράτει δύο
εἶναι καὶ μόνας ἀπολογίας· προσήκειν γὰρ αὐτῷ
ἀποδεῖξαι ἢ ἑτέρους ἔχοντας τὰ Ἐργοκλέους
χρήματα, ἢ ἀδίκως ἀπολωλότα ἐκεῖνον καὶ οὐδὲν
ὑφῃρημένον τῶν ὑμετέρων οὐδὲ δεδωροδοκηκότα·
εἰ δὲ τούτων μηδέτερον ποιήσει, δεδόχθαι[1] κατα-
ψηφίζεσθαι, καὶ μὴ τοῖς μὲν παρὰ τῶν ἄλλων
λαμβάνουσιν ὀργίζεσθαι, τοῖς δὲ τὰ ὑμέτερ'
αὐτῶν ἔχουσι συγγνώμην ἔχειν.

6 Τίς δ' οὐκ οἶδεν Ἀθηναίων τρία τάλαντα περὶ
[182] Ἐργοκλέους μεσεγγυηθέντα τοῖς λέγουσιν, εἰ
δύναιντο αὐτὸν σῶσαι [καὶ μὴ κατηγορεῖν][2]; οἳ
ἐπειδὴ ἑώρων τὴν ὑμετέραν ὀργὴν τιμωρεῖσθαι
βουλομένην, ἡσυχίαν ἦγον καὶ οὐκ ἐτόλμων σφᾶς
αὐτοὺς φανεροὺς ποιῆσαι. καὶ τὸ μὲν πρῶτον
οὗτος οὐ κομιζόμενος παρ' αὐτῶν τὰ χρήματα
7 μηνύσειν ἔφη τῇ πόλει· ἐπειδὴ δὲ καὶ ταῦτα ἀπ-
είληφε καὶ τῶν ἄλλων τῶν ἐκείνου κύριος γεγέ-
νηται, εἰς τοῦτο τόλμης ἐλήλυθεν, ὥστε μάρτυρας
πεπόρισται οἳ μαρτυρήσουσιν αὐτῷ ὡς ἦν ἔχθι-
στος ἁπάντων ἀνθρώπων Ἐργοκλεῖ. καίτοι οἴεσθ'
ἂν αὐτόν, ὦ ἄνδρες δικασταί, εἰς τοῦτο μανίας

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[1] δεδόχθαι Markland: δέδοκται mss.

him his purser, and finally appoint him to equip a warship? How very strange that, whereas men of property lament that they have to equip warships, this man, who was previously possessed of nothing, at that time volunteered this public service! So it was not to penalize him that he appointed him to equip a warship, but to let him profit by it and also keep guard over his own funds, since he had nobody whom he could trust above this man. I conceive, gentlemen of the jury, that Philocrates can defend himself in two ways, and in two only: he must prove either that Ergocles' money is held by others; or that he was put to death unjustly, having embezzled none of your property, and having taken no bribes. If he can do neither of these things, I say that his condemnation is decided, and also that, if you are indignant with those who take money from other people, you ought not to pardon those who are in possession of your own.

Who in Athens does not know that three talents were deposited for the speakers in aid of Ergocles, if they should succeed in saving him? When they saw your wrath intent on vengeance, they kept quiet and did not dare to expose themselves. Philocrates, when at first he failed to recover this money from them, said that he would inform against them in public. But when he had both got the money back and obtained control of the rest of the man's property, he had the audacity to procure witnesses who would support him by testifying that he was the bitterest enemy on earth to Ergocles. Yet can you imagine, gentlemen, that he would have been so utterly insane as to volunteer to equip a warship

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[2] καὶ μὴ κατηγορεῖν del. Dobree.

ἀφικέσθαι, ὥστε Θρασυβούλου στρατηγοῦντος καὶ Ἐργοκλέους αὐτῷ διαφερομένου ἐθελοντὴν ὑποστῆναι τριήραρχον; πῶς γὰρ ἂν θᾶττον ἀπώλετο, ἢ πῶς ἂν μᾶλλον ἐπηρεάζετο;

8 *Περὶ μὲν οὖν τούτων ἱκανὰ τὰ εἰρημένα· ἐγὼ δ᾽ ὑμᾶς ἀξιῶ ὑμῖν αὐτοῖς βοηθῆσαι, καὶ πολὺ μᾶλλον τοὺς ἀδικοῦντας τιμωρεῖσθαι ἢ τοὺς τὰ τῆς πόλεως ἔχοντας ἐλεινοὺς ἡγεῖσθαι. οὐδὲν γὰρ τῶν αὐτοῦ καταθήσει, ἀλλὰ τὰ ὑμέτερα ὑμῖν αὐτοῖς ἀποδώσει,*
9 *καὶ πολλῷ πλείω αὐτῷ τούτων περιέσται. καὶ γὰρ ἂν καὶ δεινὸν εἴη, ὦ ἄνδρες δικασταί, εἰ τοῖς μὲν μὴ δυναμένοις τὰ σφέτερ᾽ αὐτῶν εἰσφέρειν ὀργίζοισθε καὶ τὰς οὐσίας αὐτῶν ὡς ἀδικούντων δημεύοιτε, τοὺς δὲ τὰ ὑμέτερα αὐτῶν ἔχοντας μὴ τιμωροῖσθε, ἀλλὰ τῶν τε χρημάτων ἀποστεροῖσθε*
10 *καὶ τούτους χαλεπωτέρους ἐχθροὺς ἔχοιτε. ἕως γὰρ ἂν τὰ ὑμέτερα ἔχοντες σφίσιν αὐτοῖς συνειδῶσιν, οὐδέποτε ὑμῖν παύσονται κακονοοῦντες, νομίζοντες τὰς τῆς πόλεως δυστυχίας μόνας ἀπαλλαγὴν εἶναι τῶν πρὸς αὐτοὺς πραγμάτων.*

11 *Ἡγοῦμαι δ᾽, ὦ ἄνδρες δικασταί, οὐ μόνον περὶ χρημάτων αὐτῷ προσήκειν ἀγωνίζεσθαι, ἀλλὰ καὶ περὶ τοῦ σώματος κινδυνεύειν. καὶ γὰρ ἂν καὶ δεινὸν εἴη, εἰ οἱ μὲν τὰ τῶν ἰδιωτῶν ἀπολλύμενα τοῖς κλέπταις συνειδότες τοῖς αὐτοῖς ἐνέχοιντο, οὗτος δὲ τὰ τῆς πόλεως Ἐργοκλεῖ συνειδὼς κλέπτοντι καὶ ἐπὶ τοῖς ὑμετέροις δωροδοκοῦντι μὴ τῆς αὐτῆς τιμωρίας τυγχάνοι, ἀλλὰ ἆθλα λάβοι τὴν ὑπ᾽ ἐκείνου καταλειφθεῖσαν οὐσίαν ἀντὶ τῆς αὐτοῦ*

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[a] *Cf.* Plato, *Laws*, xii. 955 B.

while Thrasybulus was in command and Ergocles was on bad terms with him? How could he have come more swiftly by his ruin, or have exposed himself more to maltreatment?

Well now, enough has been said on those matters: but I call upon you to vindicate yourselves and to be much more prompt to punish the guilty than to feel pity for those who are keeping the property of the State. He will relinquish nothing that belongs to him, but only restore what is your own; and a much larger amount will be left over for him. And indeed it would be strange, gentlemen of the jury, that you should be incensed with those who are unable to pay their contributions to the special levies from their own means, and should confiscate their estates on the ground of default, but yet should decline to punish those who are keeping your own property, when you are not only to be deprived of your money but also to be more sorely troubled by their enmity. For as long as they are conscious of keeping your property they will never desist from their malignity towards you, since they will believe that only the calamities of the city can relieve them of their embarrassments.

I consider, gentlemen of the jury, that the issue involved in his case ought to be not merely one of money, but that his life also should be at stake. For it would be a strange thing, when those who connive with the thieves in a private larceny are to be subject to the same penalty,[a] that this man, conniving with Ergocles in a theft of the city's property and receiving bribes at your expense, should not incur the same punishment, but should win the fortune left by his accomplice as a prize for his own wickedness.

πονηρίας. ἄξιοι δ' ὑμῖν εἰσιν ὀργῆς, ὦ ἄνδρες
12 δικασταί. οὗτοι γάρ, ὅτε Ἐργοκλῆς ἐκρίνετο,
ἐν τῷ δήμῳ περιιόντες ἔλεγον ὡς πεντακόσιοι
μὲν αὐτοῖς εἴησαν[1] ἐκ τοῦ Πειραιῶς δεδεκασμένοι,
ἑξακόσιοι δὲ καὶ χίλιοι ἐκ τοῦ ἄστεως· μᾶλλον δὲ
προσεποιοῦντο πιστεύειν τοῖς χρήμασιν ἢ δεδιέναι
13 τὰ αὑτῶν ἁμαρτήματα. ἐκεῖ μὲν οὖν ἐπεδείξατε
αὐτοῖς, ἐὰν δὲ εὖ φρονῆτε, καὶ νυνὶ τοῦτο φανερὸν
πᾶσιν ἀνθρώποις ποιήσετε, ὅτι οὐκ ἔστι τοσαῦτα
χρήματα ἃ ὑμᾶς, οὓς ἂν λαμβάνητε ἀδικοῦντας,
ἀποτρέψει τιμωρεῖσθαι, καὶ μηδεμίαν αὐτοῖς ἄδειαν
δώσετε τὰ ὑμέτερα αὐτῶν διαρπάζουσι καὶ κλέπτουσιν.
14 ἐγὼ μὲν οὖν ταῦτα ὑμῖν παραινῶ. πάντες
γὰρ ἐπίστασθε ὅτι Ἐργοκλῆς χρηματιούμενος ἀλλ'
οὐ πρὸς ὑμᾶς φιλοτιμησόμενος ἐξέπλευσε, καὶ
οὐδεὶς ἄλλος ἔχει τὰ χρήματα ἢ οὗτος. ἐὰν οὖν
σωφρονῆτε, τὰ ὑμέτερ' αὐτῶν κομιεῖσθε.

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[1] εἴησαν Stephanus: οἳ ἦσαν, ἦσαν MSS.

These men deserve your wrath, gentlemen of the jury. For when Ergocles was on his trial, they went about among the people saying that they had bribed five hundred of the Peiraeus party and sixteen hundred of the party of the city. They professed to rely on their money rather than to fear the results of their own misdeeds. Well, in that case you plainly showed them,—and if you are well advised you will make it clear likewise to all men to-day,—that there is no sum of money large enough to deflect you from the punishment of those whom you may take in the act of wrongdoing, and that by no means will you permit them to pillage and steal your property with impunity. This, then, is the counsel that I give you. You all understand that Ergocles sailed out to make money, not to gain credit with you, and that this man and no other is keeping his money. So if you are prudent you will recover what is your own.

XXX. AGAINST NICOMACHUS

INTRODUCTION

After the deposition of the Council of Four Hundred in 411 B.C. the government of Athens was entrusted to a body of Five Thousand whose principles stood half-way between oligarchy and democracy. A Commission of Nomothetae or Lawgivers was appointed to revise the constitution[a]: an important part of this work was to produce a new copy of the old laws of Solon from the wooden tablets or "pillars" on which they were inscribed, making good the omissions caused by accidental defacement and bringing the language, the values of fines and other matters into uniformity with later enactments and with current usage. The work appears to have continued during the last struggles of the Athenian democracy with Sparta and Persia. Suspended during the rule of the Thirty oligarchs (Sept. 404–May 403), it was started again by a decree proposed by Teisamenus in 403. In the first period (410–404) Nicomachus held a post on or under the Commission as "transcriber" of the laws affecting secular matters: though appointed for a term of four months, we are told, he held office for the whole of the six years. His right to the citizenship, and therefore to his office, appears to have been doubtful; but the allegation of his servile birth is not clearly substantiated by his accuser. When the constitution was revived in 403, he was appointed for the same important work, but this time his duty was the revision of the laws relating to religious ceremonial. He had been in exile during the rule of the Thirty, and had returned in good odour with the restored democracy. Again, it is here alleged, he exceeded his allotted time of one month, and after four years he is accused (399 B.C.) of refusing, as he had also refused after his former term of six years ending in 404, to render any account of his office. The case is heard before the ten Logistae whose duty was to investigate the proceedings of special officers.

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[a] *Cf.* Thucydides, viii. 97.

It cannot be said that the speech against Nicomachus, which appears to be the leading one of several for the prosecution, makes out a strong case for his condemnation. It states first that his father was a public slave, that he was taken late into his tribal division (*phratria*), and was employed as an under-clerk to a magistrate. He was made a "transcriber" of the laws, and managed to hold his office for six years without submitting to an audit of his proceedings, which were grossly corrupt and injurious to the State (1-6). If he tries to discredit the accuser by connecting him with the oligarchs, not only is this a vile slander, but he himself showed his oligarchical leanings by forging a law which assisted the oligarchs in getting rid of a dangerous critic of their acts, Cleophon (405 B.C.). His involuntary eclipse under the Thirty cannot count against his deliberate crimes (7-16). Nicomachus will tax his accuser with impiety for protesting against some new sacrifices required by his new version of the laws: but this enlargement of his has caused the neglect of the ancestral rites ordained by Solon, and has involved the State in excessive expense. This again has led to unscrupulous confiscation in aid of the Treasury. He deserves the extreme penalty of death, and will be an example to other corrupt, though eloquent, officers (17-25). Nicomachus has no merits, either of his own or of his ancestors, to plead for him. It is a strange aberration in the people that they have entrusted such a man with such a duty. The accusers have resisted the tempting advances of his friends: the court must be similarly firm in doing justice upon him (26-35).

There is no definite reason for excluding this speech from the genuine works of Lysias, who may well have felt ill at ease in attacking a man, like himself, of obscure birth, but of evident ability, and of an established character that had survived the most perturbing years in Athenian history.

[183] XXX. ΚΑΤΑ ΝΙΚΟΜΑΧΟΥ [ΓΡΑΜΜΑΤΕΩΣ ΕΥΘΥΝΩΝ ΚΑΤΗΓΟΡΙΑ][1]

1 Ἤδη, ὦ ἄνδρες δικασταί, τινὲς εἰς κρίσιν καταστάντες
ἀδικεῖν μὲν ἔδοξαν, ἀποφαίνοντες δὲ τὰς
τῶν προγόνων ἀρετὰς καὶ τὰς σφετέρας αὐτῶν
εὐεργεσίας συγγνώμης ἔτυχον παρ' ὑμῶν. ἐπειδὴ
τοίνυν καὶ τῶν ἀπολογουμένων ἀποδέχεσθε, ἐάν
τι ἀγαθὸν φαίνωνται τὴν πόλιν πεποιηκότες, ἄξιον
καὶ τῶν κατηγόρων ὑμᾶς ἀκροάσασθαι, ἐὰν ἀποφαίνωσι
τοὺς φεύγοντας πάλαι πονηροὺς ὄντας.
2 ὅτι μὲν τοίνυν ὁ πατὴρ ὁ Νικομάχου δημόσιος ἦν,
καὶ οἷα νέος ὢν οὗτος ἐπετήδευσε, καὶ ὅσα ἔτη
γεγονὼς εἰς τοὺς φράτερας εἰσήχθη, πολὺ ἂν ἔργον
εἴη λέγειν· ἐπειδὴ δὲ τῶν νόμων ἀναγραφεὺς
ἐγένετο, τίς οὐκ οἶδεν οἷα τὴν πόλιν ἐλυμήνατο;
προσταχθὲν γὰρ αὐτῷ τεττάρων μηνῶν ἀναγράψαι
τοὺς νόμους τοὺς Σόλωνος, ἀντὶ μὲν Σόλωνος
αὑτὸν νομοθέτην κατέστησεν, ἀντὶ δὲ τεττάρων
μηνῶν ἑξέτη τὴν ἀρχὴν ἐποιήσατο, καθ' ἑκάστην
δὲ ἡμέραν ἀργύριον λαμβάνων τοὺς μὲν ἐνέγραφε
3 τοὺς δὲ ἐξήλειφεν. εἰς τοῦτο δὲ κατέστημεν ὥστε
ἐκ τῆς τούτου χειρὸς ἐταμιευόμεθα[2] τοὺς νόμους
καὶ οἱ ἀντίδικοι ἐπὶ τοῖς δικαστηρίοις ἐναντίους

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[1] *γραμματέως εὐθυνῶν κατηγορία* del. Thalheim.

[2] *ἐταμιευόμεθα* Dobree: *τεταμιεύμεθα* MSS.

XXX. AGAINST NICOMACHUS

There have been cases, gentlemen of the jury, of persons who, when brought to trial, have appeared to be guilty, but who, on showing forth their ancestors' virtues and their own benefactions, have obtained your pardon. Since, therefore, you are satisfied with the plea of the defendants, if they are shown to have done some service to the State, it is fair that you should also listen to the accusers, if they show forth a long course of villainy in the accused. Now, to tell how Nicomachus's father was a public slave,[a] and what were the man's own occupations in his youth, and at what age he was admitted to his clan,[b] would be a lengthy affair: but when he became a commissioner for transcribing the laws, it is common knowledge what outrages he committed on the city. For whereas he had been instructed to transcribe the laws of Solon within four months, he usurped the place of Solon as lawgiver, extended his office over six years instead of four months, and day by day, in return for payment, he inserted some laws and erased others. We were brought to such a pass that we had our laws dispensed to us from his hands, and parties to suits produced opposite laws in the courts,

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[a] Owned by the State and employed in the police and other public services.

[b] A subdivision of the tribe, to which admission was usually obtained in infancy.

παρείχοντο, ἀμφότεροι παρὰ Νικομάχου φάσκοντες εἰληφέναι. ἐπιβαλλόντων δὲ τῶν ἀρχόντων ἐπιβολὰς καὶ εἰσαγόντων εἰς τὸ δικαστήριον οὐκ ἠθέλησε παραδοῦναι τοὺς νόμους· ἀλλὰ πρότερον ἡ πόλις εἰς τὰς μεγίστας συμφορὰς κατέστη, πρὶν τοῦτον ἀπαλλαγῆναι τῆς ἀρχῆς καὶ τῶν πεπραγ-
4 μένων εὐθύνας ὑποσχεῖν. καὶ γάρ τοι, ὦ ἄνδρες δικασταί, ἐπειδὴ ἐκείνων δίκην οὐ δέδωκεν, ὁμοίαν[1] καὶ νῦν τὴν ἀρχὴν κατεστήσατο, ὅστις πρῶτον μὲν τέτταρα ἔτη ἀνέγραψεν, ἐξὸν αὐτῷ τριάκοντα ἡμερῶν ἀπαλλαγῆναι· ἔπειτα διωρισμένον ἐξ ὧν ἔδει ἀναγράφειν, αὑτὸν ἁπάντων κύριον ἐποιήσατο, καὶ ὅσα ‹οὐδεὶς πώποτε›[2] διαχειρίσας[3] μόνος
5 οὗτος τῶν ἀρξάντων εὐθύνας οὐκ ἔδωκεν, ἀλλ᾿ οἱ μὲν ἄλλοι τῆς αὑτῶν ἀρχῆς κατὰ πρυτανείαν λόγον ἀποφέρουσι,[4] σὺ δέ, ὦ Νικόμαχε, οὐδὲ τεττάρων ἐτῶν ἠξίωσας ἐγγράψαι, ἀλλὰ μόνῳ σοὶ τῶν πολιτῶν ἐξεῖναι νομίζεις ἄρχειν πολὺν χρόνον, καὶ μήτε εὐθύνας διδόναι μήτε τοῖς ψηφίσμασι πείθεσθαι μήτε τῶν νόμων φροντίζειν, ἀλλὰ τὰ μὲν ἐγγράφεις τὰ δ᾿ ἐξαλείφεις, καὶ εἰς τοῦτο ὕβρεως ἥκεις ὥστε σαυτοῦ νομίζεις εἶναι τὰ τῆς
6 πόλεως, αὐτὸς δημόσιος ὤν. ὑμᾶς τοίνυν χρή, ὦ ἄνδρες δικασταί, ἀναμνησθέντας καὶ τῶν προγόνων τῶν Νικομάχου, οἵτινες ἦσαν, καὶ οὗτος ὡς ἀχαρίστως ὑμῖν προσενήνεκται παρανομήσας,

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[1] ὁμοίαν Schott: ὁποίαν MSS.

[2] οὐδεὶς πώποτε add. Francken.

[3] διαχειρίσας Contius: χειρίσας MSS.

[4] ἀποφέρουσι Schoell: ἀναφέρουσι MSS.

both sides asserting that they had obtained them from Nicomachus. When the magistrates imposed summary fines on him, and brought him up in court, he refused to hand over the laws : nay, the city was already involved in the gravest disasters, and still he had not been relieved of his office, nor had submitted to an audit of his proceedings. And observe, gentlemen, how, having suffered no punishment for that conduct, he has now turned his new office to similar account: first, he has been transcribing for four years, when he could have discharged his duty in thirty days ; and second, although he had definite orders as to the texts that he had to transcribe, he assumed supreme authority over the whole code, and after handling more business than anyone had ever done before he is the only person who has held office without submitting to an audit. Everyone else, with each new presidency,[a] renders an account of his office ; but you, Nicomachus, have not deigned to show your accounts for as much as four years ; you, alone of the citizens, claim licence to hold office for a lengthy period, without either submitting to an audit, or obeying the decrees, or respecting the laws : you insert this, and erase that, and carry insolence to such a pitch that you regard the State's property as yours, who are yourself its slave ! It is your duty, therefore, gentlemen of the jury, to remember what was the ancestry of Nicomachus, and also how ungrateful has been his treatment of you with his

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[a] Every 35 days the presidency of the Council and the Assembly was taken over by a committee of 50 representatives of the 10 tribes. Magistrates on going out of office submitted their accounts to a board of 10 auditors (λογισταί) appointed by the Council, and some minor officers changed with each "presidency." *Cf.* above, pp. 492, 593.

κολάσαι αὐτόν, καὶ ἐπειδὴ ἑνὸς ἑκάστου δίκην
οὐκ εἰλήφατε, νῦν ὑπὲρ ἁπάντων γοῦν τὴν τιμωρίαν
ποιήσασθαι.

7 Ἴσως δέ, ὦ ἄνδρες δικασταί, ἐπειδὰν περὶ αὐτοῦ
μηδὲν δύνηται ἀπολογεῖσθαι, ἐμὲ διαβάλλειν πειράσεται.
τότε δὲ περὶ τῶν ἐμῶν τούτῳ[1] ἀξιῶ
πιστεύειν ὑμᾶς, ὁπόταν ἀπολογίας ἐμοὶ δοθείσης
μὴ δύνωμαι ψευδόμενον αὐτὸν ἐξελέγξαι. ἐὰν δ'
ἄρα ἐπιχειρῇ λέγειν ἅπερ ἐν τῇ βουλῇ, ὡς ἐγὼ
τῶν τετρακοσίων ἐγενόμην, ἐνθυμεῖσθε ὅτι ἐκ
τῶν τοιαῦτα λεγόντων τῶν τετρακοσίων πλεῖν ἢ
χίλιοι γενήσονται· καὶ γὰρ τοὺς ἔτι παῖδας ὄντας
ἐν ἐκείνῳ τῷ χρόνῳ καὶ τοὺς ἀποδημοῦντας οἱ
8 διαβάλλειν βουλόμενοι ταῦτα λοιδοροῦσιν. ἐγὼ δὲ
οὕτω πολλοῦ ἐδέησα τῶν τετρακοσίων γενέσθαι,
ὥστε οὐδὲ τῶν πεντακισχιλίων[2] κατελέγην. δεινὸν
δέ μοι δοκεῖ εἶναι ὅτι, εἰ μὲν περὶ ἰδίων συμβολαίων
ἀγωνιζόμενος οὕτω φανερῶς ἐξήλεγχον
αὐτὸν ἀδικοῦντα, οὐδ' ἂν αὐτὸς ἠξίωσε τοιαῦτα
ἀπολογούμενος ἀποφεύγειν, νυνὶ δὲ περὶ τῶν τῆς
[184] πόλεως κρινόμενος οἰήσεται χρῆναι ἐμοῦ κατηγορῶν
ὑμῖν μὴ δοῦναι δίκην.

9 Ἔτι δὲ εἶναι[3] θαυμαστὸν νομίζω Νικόμαχον
ἑτέροις ἀδίκως μνησικακεῖν ἀξιοῦν, ὃν ἐγὼ ἐπιβουλεύσαντα
τῷ πλήθει ἀποδείξω. καί μου ἀκούσατε·
δίκαιον γάρ, ὦ ἄνδρες δικασταί, περὶ τῶν
τοιούτων ἀνθρώπων τὰς τοιαύτας κατηγορίας
ἀποδέχεσθαι, οἵτινες τότε συγκαταλύσαντες τὸν
10 δῆμον νυνὶ δημοτικοί φασιν εἶναι. ἐπειδὴ γὰρ

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[1] τούτῳ Reiske: τούτω τότε, τότε mss.

[2] τετρακοσίων . . . πεντακισχιλίων Taylor: τριακοσίων . . . τρισχιλίων mss.

[3] εἶναι Reuss: οἶμαι mss.

illegal acts, and to punish him: so, since you have not made him pay the penalty for each one of them, exact requital now, at any rate, for them all.

It may be, gentlemen, that, failing to find a plea for his own defence, he will try to slander me: but I would ask you only to credit this man's account of my life when, on having to defend myself, I fail to convict him of falsehood. If by chance he should venture on a repetition of what he stated before the Council,—that I was one of the Four Hundred,—reflect that on the basis of such statements as this the Four Hundred will number more than a thousand; for on those who were still but children at that time, or were not residing here, this aspersion is commonly cast by persons of slanderous intent. But for my part, so far was I from being one of the Four Hundred that I was not even included in the list of the Five Thousand. And I consider it monstrous that, although in a suit concerning private contracts, had I convicted him as plainly as here of wrongdoing, he would not even himself have expected to obtain an acquittal by resorting to such a defence, he now, on his trial for matters of public interest, is to count on escaping punishment at your hands by accusing me.

Moreover, I find it astonishing that Nicomachus should think fit to stir up resentment against others in this criminal way, when I mean to prove that he hatched mischief against the people. And now listen to me; for it is justifiable, gentlemen of the jury, to admit such accusations in the case of men who, having combined at that time to subvert the democracy, would represent themselves to-day as democrats. After the

ἀπολομένων τῶν νεῶν ἡ μετάστασις ἐπράττετο,
Κλεοφῶν τὴν βουλὴν ἐλοιδόρει, φάσκων συνεστάναι
καὶ ⟨οὐ⟩[1] τὰ βέλτιστα βουλεύειν τῇ πόλει.
Σάτυρος δ' ὁ Κηφισιεὺς βουλεύων ἔπεισε τὴν
βουλὴν δήσαντας αὐτὸν παραδοῦναι δικαστηρίῳ.
11 οἱ δὲ βουλόμενοι αὐτὸν ἀπολέσαι, δεδιότες μὴ οὐκ
ἀποκτείνωσιν ἐν τῷ δικαστηρίῳ, πείθουσι Νικόμαχον[2]
νόμον ἀποδεῖξαι ὡς χρὴ καὶ τὴν βουλὴν
συνδικάζειν. καὶ ὁ πάντων οὗτος πονηρότατος
οὕτως φανερῶς συνεστασίασεν, ὥστε τῇ ἡμέρᾳ ᾗ
12 ἡ κρίσις ἐγένετο ἀποδεῖξαι τὸν νόμον. Κλεοφῶντος
τοίνυν, ὦ ἄνδρες δικασταί, ἕτερα μὲν ἄν τις ἔχοι
κατηγορῆσαι· τοῦτο δὲ παρὰ πάντων ὁμολογεῖται,
ὅτι οἱ καταλύοντες τὸν δῆμον ἐκεῖνον ἐβούλοντο
μάλιστα τῶν πολιτῶν ἐκποδὼν γενέσθαι, καὶ ὅτι
Σάτυρος καὶ Χρέμων[3] οἱ τῶν τριάκοντα γενόμενοι
οὐχ ὑπὲρ ὑμῶν ὀργιζόμενοι Κλεοφῶντος κατηγόρουν,
ἀλλ' ἵνα ἐκεῖνον ἀποκτείναντες αὐτοὶ ὑμᾶς
13 κακῶς ποιῶσι. καὶ ταῦτα διεπράξαντο διὰ τὸν
νόμον ὃν Νικόμαχος ἀπέδειξεν. εἰκὸς τοίνυν, ὦ
ἄνδρες δικασταί, ἐνθυμεῖσθαι καὶ ὁπόσοι ὑμῶν
ἐνόμιζον Κλεοφῶντα κακὸν πολίτην εἶναι, ὅτι καὶ
τῶν ἐν τῇ ὀλιγαρχίᾳ ἀποθανόντων ἴσως τις ἦν
πονηρός, ἀλλ' ὅμως καὶ διὰ τοὺς τοιούτους ὠργίζεσθε
τοῖς τριάκοντα, ὅτι οὐ τῶν ἀδικημάτων
14 ἕνεκα ἀλλὰ κατὰ στάσιν αὐτοὺς ἀπέκτειναν. ἐὰν
οὖν πρὸς ταῦτα ἀπολογῆται, τοσοῦτον μέμνησθε,

[1] οὐ add. Contius.

[2] Νικόμαχον Palmer: Νικομαχίδην mss.

[3] Χρέμων Schott: Κλεοφῶν mss.

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[a] At Aegospotami, 405 B.C.

[b] See XIII., *Against Agoratus*, 7, note, p. 285.

loss of our ships,[a] when the revolution was being arranged, Cleophon[b] reviled the Council, declaring that it was in conspiracy[c] and was not seeking the best interests of the State. Satyrus of Cephisia,[d] one of the Council, persuaded them to arrest him and hand him over to the court. Those who wished to do away with him, fearing that they would fail of a death-sentence in the law-court, persuaded Nicomachus to exhibit a law requiring the Council[e] to partake in the trial as assessors. And this man, the worst of villains, was so open in his support of the plot that on the day of the trial he exhibited the law. Now against Cleophon, gentlemen of the jury, one might have other accusations to urge ; but one thing is admitted on all sides,—that the subverters of the democracy desired to get him out of their way more than any other of the citizens, and that Satyrus and Chremon, who were members of the Thirty, accused Cleophon, not from any anger at your fate, but in order that, having put that man to death, they might injure you themselves. And they achieved their end because of the law which Nicomachus exhibited. Now you may reasonably reflect, gentlemen,—even those of you who thought Cleophon to be a bad citizen,—that, although among those who perished under the oligarchy there were perhaps one or two villains, yet it was on account of even such sufferers that you were incensed against the Thirty, as having put them to death, not for their crimes, but for motives of party. If, therefore, he tries to rebut this charge, you have merely to remember that he

[c] *i.e.*, with the oligarchs.

[d] An Attic township about 9 miles north-east of Athens.

[e] Mainly consisting of oligarchs, and so likely to condemn Cleophon.

ὅτι ἐν τοιούτῳ καιρῷ τὸν νόμον ἀπέδειξεν ἐν ᾧ ἡ
πολιτεία μεθίστατο, καὶ τούτοις χαριζόμενος οἳ τὸν
δῆμον κατέλυσαν, καὶ ταύτην τὴν βουλὴν συνδικάζειν
ἐποίησεν ἐν ᾗ Σάτυρος μὲν καὶ Χρέμων
μέγιστον ἐδύναντο, Στρομβιχίδης δὲ καὶ Καλλιάδης
καὶ ἕτεροι πολλοὶ καὶ καλοὶ κἀγαθοὶ τῶν
πολιτῶν ἀπώλλυντο.

15 Καὶ περὶ τούτων οὐδένα ἂν ἐποιησάμην λόγον, εἰ
μὴ ᾐσθανόμην αὐτὸν ὡς δημοτικὸν ὄντα πειρασόμενον[1]
παρὰ τὸ δίκαιον σῴζεσθαι, καὶ τῆς εὐνοίας τῆς
εἰς τὸ πλῆθος τεκμηρίῳ χρησόμενον ὅτι ἔφυγεν.
ἐγὼ δὲ καὶ ἑτέρους ἂν ἔχοιμι ἐπιδεῖξαι τῶν συγκαταλυσάντων
τὸν δῆμον τοὺς μὲν ἀποθανόντας,
τοὺς δὲ φυγόντας τε καὶ οὐ μετασχόντας τῆς
16 πολιτείας, ὥστε οὐδένα εἰκὸς αὐτῷ τούτου ὑπόλογον
γενέσθαι. τοῦ μὲν γὰρ ὑμᾶς φυγεῖν μέρος
τι καὶ οὗτος συνεβάλετο, τοῦ δὲ τοῦτον κατελθεῖν
τὸ πλῆθος τὸ ὑμέτερον αἴτιον ἐγένετο. ἔτι δὲ
καὶ δεινόν, εἰ ὧν μὲν ἄκων ἔπαθε χάριν αὐτῷ
εἴσεσθε, ὧν δ' ἑκὼν ἐξήμαρτε μηδεμίαν τιμωρίαν
ποιήσεσθε.

17 Πυνθάνομαι δὲ αὐτὸν λέγειν ὡς ἀσεβῶ καταλύων
τὰς θυσίας. ἐγὼ δ' εἰ μὲν νόμους ἐτίθην περὶ τῆς
ἀναγραφῆς, ἡγούμην ἂν ἐξεῖναι Νικομάχῳ τοιαῦτα
εἰπεῖν περὶ ἐμοῦ· νῦν δὲ τοῖς κοινοῖς καὶ κειμένοις
ἀξιῶ τοῦτον πείθεσθαι. θαυμάζω δὲ εἰ μὴ ἐνθυμεῖται,
ὅταν ἐμὲ φάσκῃ ἀσεβεῖν λέγοντα ὡς χρὴ

[1] πειρασόμενον Weijers: πειράσεσθαι MSS.

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[a] See XIII., *Against Agoratus*, 13, note, p. 289.

[b] The speaker seems to mean: "If I, like Nicomachus, were using the opportunities of a transcriber for the purpose of unauthorized 'law-making,' he might reasonably accuse

exhibited the law at that very moment when the revolution was being effected, with the aim of gratifying those who had subverted the democracy; and that he included as assessors at the trial that Council in which Satyrus and Chremon had the chief influence, and which put to death Strombichides,[a] Calliades and a number of loyal and upright citizens.

I should have made no reference to these events had I not learnt that he was going to attempt, by posing as a democrat, to save himself in despite of justice, and that he would produce his exile as a proof of his attachment to the people. But I on my part could point out others among those who combined to subvert the democracy who were either put to death or exiled and debarred from the citizenship, so that he cannot expect to get any credit on that account. For while this man did contribute his share to your exile, he owed his return to you, the people. And besides, it would be monstrous if you should feel grateful to him for what he underwent against his will, but should exact no requital for his voluntary offences.

I am informed that he alleges that I am guilty of impiety in seeking to abolish the sacrifices. But if it were I who were law-making over this transcription of our code, I should take it to be open to Nicomachus to make such a statement about me. But in fact I am merely claiming that he should obey the code established and patent to all[b]; and I am surprised at his not observing that, when he taxes me with

me of some such innovation as 'abolishing sacrifices'; whereas I merely demand that he shall adhere to the established code, about which there is no doubt or secrecy."

θύειν τὰς θυσίας τὰς ἐκ τῶν κύρβεων καὶ τῶν στηλῶν[1] κατὰ τὰς συγγραφάς, ὅτι καὶ τῆς πόλεως κατηγορεῖ· ταῦτα γὰρ ὑμεῖς ἐψηφίσασθε. ἔπειτα εἰ ταῦτα νομίζεις δεινά, ἦ που σφόδρα ἐκείνους ἡγεῖ 18 ἀδικεῖν, οἳ τὰ ἐκ τῶν κύρβεων μόνον ἔθυον. καίτοι, ὦ ἄνδρες δικασταί, περὶ εὐσεβείας οὐ παρὰ Νικομάχου χρὴ μανθάνειν, ἀλλ' ἐκ τῶν γεγενημένων σκοπεῖν. οἱ τοίνυν πρόγονοι τὰ ἐκ τῶν κύρβεων θύοντες μεγίστην καὶ εὐδαιμονεστάτην τῶν Ἑλληνίδων τὴν πόλιν παρέδοσαν, ὥστε ἄξιον ἡμῖν τὰς αὐτὰς ἐκείνοις θυσίας ποιεῖσθαι, καὶ εἰ μηδὲν δι' ἄλλο, τῆς τύχης ἕνεκα τῆς ἐξ ἐκείνων 19 [185] τῶν ἱερῶν γεγενημένης. πῶς δ' ἄν τις εὐσεβέστερος γένοιτο ἐμοῦ, ὅστις ἀξιῶ πρῶτον μὲν κατὰ τὰ πάτρια θύειν, ἔπειτα ἃ μᾶλλον συμφέρει τῇ πόλει, ἔτι δὲ ἃ ὁ δῆμος ἐψηφίσατο καὶ δυνησόμεθα δαπανᾶν ἐκ τῶν προσιόντων χρημάτων; σὺ δέ, ὦ Νικόμαχε, τούτων τἀναντία πεποίηκας· ἀναγράψας γὰρ πλείω τῶν προσταχθέντων αἴτιος γεγένησαι τὰ προσιόντα χρήματα εἰς ταῦτα μὲν ἀναλίσκεσθαι, ἐν δὲ ταῖς πατρίοις θυσίαις ἐπι-20 λείπειν. αὐτίκα πέρυσιν ἱερὰ ἄθυτα τριῶν ταλάντων γεγένηται τῶν ἐν ταῖς κύρβεσι γεγραμμένων. καὶ οὐχ οἷόν τε εἰπεῖν ὡς οὐχ ἱκανὰ ἦν ἃ[2] προσῆλθε τῇ πόλει· εἰ γὰρ οὗτος μὴ πλείω ἀνέγραψεν ἓξ ταλάντοις, εἴς τε τὰς θυσίας τὰς πατρίους ἂν

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[1] στηλῶν Taylor: εὔπλων, ὅπλων MSS.
[2] ἦν ἃ Markland: εἶναι MSS.

impiety for saying that we ought to perform the sacrifices named in the tablets and pillars as directed in the regulations, he is accusing the city as well: for they are what you have decreed. And then, sir, if you feel these to be hard words, surely you must attribute grievous guilt to those citizens who used to sacrifice solely in accordance with the tablets. But of course, gentlemen of the jury, we are not to be instructed in piety by Nicomachus, but are rather to be guided by the ways of the past. Now our ancestors, by sacrificing in accordance with the tablets, have handed down to us a city superior in greatness and prosperity to any other in Greece; so that it behoves us to perform the same sacrifices as they did, if for no other reason than that of the success which has resulted from those rites. And how could a man show greater piety than mine, when I demand, first that our sacrifices be performed according to our ancestral rules, and second that they be those which tend to promote the interests of the city, and finally those which the people have decreed and which we shall be able to afford out of the public revenue? But you, Nicomachus, have done the opposite of this: by entering in your copy a greater number than had been ordained you have caused the public revenue to be expended on these, and hence to be deficient for our ancestral offerings. For example, last year some sacrifices, costing three talents, were in abeyance, though they were among those inscribed on the tablets. And it cannot be said that the revenues of the State were insufficient; for if this man had not entered sacrifices to an excess amounting to six talents, there would have been enough for our ancestral offerings, and moreover

ἐξήρκεσε καὶ τρία τάλαντα ἂν περιεγένετο τῇ
πόλει. περὶ δὲ τῶν εἰρημένων καὶ μάρτυρας ὑμῖν
παρέξομαι.

ΜΑΡΤΥΡΕΣ

21 Ἐνθυμεῖσθε τοίνυν, ὦ ἄνδρες δικασταί, ὅτι, ὅταν
μὲν κατὰ τὰς συγγραφὰς ποιῶμεν, ἅπαντα τὰ
πάτρια θύεται, ἐπειδὰν δὲ κατὰ τὰς στήλας ἃς
οὗτος ἀνέγραψε, πολλὰ τῶν ἱερῶν καταλύεται.
κἂν[1] τούτοις ὁ ἱερόσυλος περιτρέχει, λέγων ὡς
εὐσέβειαν ἀλλ' οὐκ εὐτέλειαν ἀνέγραψε· καὶ εἰ μὴ
ταῦτα ὑμῖν ἀρέσκει, ἐξαλείφειν κελεύει, καὶ ἐκ
τούτων οἴεται πείθειν ὡς οὐδὲν ἀδικεῖ· ὃς ἐν δυοῖν
μὲν ἐτοῖν πλείω ἤδη τοῦ δέοντος δώδεκα ταλάντοις
ἀνήλωσε, παρ' ἕκαστον δὲ τὸν ἐνιαυτὸν
22 ἐπεχείρησεν ἓξ ταλάντοις τὴν πόλιν ζημιῶσαι, καὶ
ταῦτα ὁρῶν αὐτὴν ἀποροῦσαν χρημάτων καὶ
Λακεδαιμονίους μὲν ἀπειλοῦντας, ὅταν μὴ ἀποπέμψωμεν
αὐτοῖς τὰ χρήματα, Βοιωτοὺς δὲ σύλας
ποιουμένους, ὅτι οὐ δυνάμεθα δύο τάλαντα ἀποδοῦναι,
τοὺς δὲ νεωσοίκους <καὶ>[2] τὰ τείχη
περικαταρρέοντα, εἰδὼς δὲ ὅτι ἡ βουλὴ ἡ <ἀεὶ>[3]
βουλεύουσα, ὅταν μὲν ἔχῃ ἱκανὰ χρήματα εἰς
διοίκησιν, οὐδὲν ἐξαμαρτάνει, ὅταν δὲ εἰς ἀπορίαν
καταστῇ, ἀναγκάζεται εἰσαγγελίας δέχεσθαι καὶ
δημεύειν τὰ τῶν πολιτῶν καὶ τῶν ῥητόρων τοῖς
23 <τὰ>[4] πονηρότατα λέγουσι πείθεσθαι. χρὴ τοίνυν,
ὦ ἄνδρες δικασταί, μὴ τοῖς βουλεύουσιν ἑκάστοτε
ὀργίζεσθαι, ἀλλὰ τοῖς εἰς τοιαύτας ἀπορίας καθ-

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[1] κἂν Hude: καὶ MSS.

[2] καὶ add. Taylor.

[3] ἀεὶ add. Sluiter.

[4] τὰ add. Reiske.

the State would have had a surplus of three talents. In support of these statements I will add the evidence of witnesses.

Witnesses

Reflect, therefore, gentlemen of the jury, that when we proceed in accordance with the regulations, all the ancestral offerings are made; but when we are guided by the pillars as copied by this man, numerous rites are abolished.[a] Whereupon the sacrilegious wretch runs about saying that his transcription was piety and not parsimony, and that if you do not approve of his work you had better erase it: by this means he thinks to persuade you of his innocence. Yet in two years he has managed to spend twelve talents more than was necessary, and has endeavoured to mulct the State in a sum of six talents each year,—and that too when he saw her in difficulties for money, the Lacedaemonians threatening us if we failed to remit them their payments, the Boeotians taking reprisals because we could not refund two talents, and the shipping sheds and the walls falling to pieces; when he knew that the Council for the time being is not led into error if it has sufficient means for the administration, but is forced in a time of difficulty to accept impeachments, to confiscate the property of our citizens, and to be swayed by the most unprincipled of its orators! You ought therefore, gentlemen, to be incensed, not with those who happen to be on the Council, but with those who reduce the State to these awful straits.

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[a] *i.e.*, some of the "ancestral rites" are dropped because the necessary funds have to be spent on the rites that he has foisted into the code.

ἱστᾶσι τὴν πόλιν. προσέχουσι ‹δὲ›[1] τὸν νοῦν οἱ
βουλόμενοι τὰ κοινὰ κλέπτειν, ὅπως Νικόμαχος
ἀγωνιεῖται· οἷς ὑμεῖς, ἐὰν μὴ τοῦτον τιμωρήσησθε,
πολλὴν ἄδειαν ποιήσετε· ἐὰν δὲ καταψηφισάμενοι
τῶν ἐσχάτων αὐτῷ τιμήσητε, τῇ αὐτῇ ψήφῳ τούς
τε ἄλλους βελτίους ποιήσετε καὶ παρὰ τούτου
24 δίκην εἰληφότες ἔσεσθε. ἐπίστασθε δέ, ὦ ἄνδρες
δικασταί, ὅτι παράδειγμα τοῖς ἄλλοις ἔσται μὴ
τολμᾶν εἰς ὑμᾶς ἐξαμαρτάνειν οὐχ ὅταν τοὺς
ἀδυνάτους εἰπεῖν κολάζητε, ἀλλ' ὅταν παρὰ τῶν
δυναμένων λέγειν δίκην λαμβάνητε. τίς οὖν τῶν
ἐν τῇ πόλει ἐπιτηδειότερος Νικομάχου δοῦναι
δίκην; τίς ἐλάττω τὴν πόλιν ἀγαθὰ πεποίηκεν
25 ἢ πλείω ἠδίκηκεν; ὃς καὶ τῶν ὁσίων καὶ τῶν
ἱερῶν ἀναγραφεὺς γενόμενος εἰς ἀμφότερα ταῦτα
ἡμάρτηκεν. ἀναμνήσθητε δὲ ὅτι πολλοὺς ἤδη
τῶν πολιτῶν ἐπὶ κλοπῇ χρημάτων ἀπεκτείνατε.
καίτοι ἐκεῖνοι μὲν τοσοῦτον μόνον ὑμᾶς ἔβλαψαν
ὅσον ἐν τῷ παρόντι, οὗτοι δ' ἐπὶ τῇ τῶν νόμων
ἀναγραφῇ [καὶ τῶν ἱερῶν][2] δῶρα λαμβάνοντες εἰς
ἅπαντα τὸν χρόνον τὴν πόλιν ζημιοῦσι.

26 Διὰ τί δ' ἄν τις ἀποψηφίσαιτο τούτου; πότερον
ὡς ἀνδρὸς ἀγαθοῦ πρὸς τοὺς πολεμίους καὶ
πολλαῖς μάχαις καὶ ναυμαχίαις παραγεγενημένου;
ἀλλὰ ὅτε ὑμεῖς ἐκινδυνεύετε ἐκπλέοντες, οὗτος
αὐτοῦ μένων τοὺς Σόλωνος νόμους ἐλυμαίνετο.
ἀλλ' ὅτι χρήματα δεδαπάνηκε καὶ πολλὰς εἰσφορὰς
εἰσενήνοχεν; ἀλλ' οὐχ ὅπως ὑμῖν τῶν αὐτοῦ τι
ἐπέδωκεν, ἀλλὰ τῶν ὑμετέρων πολλὰ ὑφήρηται.
27 ἀλλὰ διὰ τοὺς προγόνους; ἤδη γάρ τινες καὶ διὰ

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[1] δὲ add. Sauppe.

[2] καὶ τῶν ἱερῶν del. Francken.

And the men who seek to rob the public purse are watching closely to see how Nicomachus will fare in these proceedings. If you do not punish him, you will grant them absolute licence ; but if you condemn him and award him your heaviest sentence, by the same vote you will reform the rest, and will have done justice upon this man. Understand, gentlemen of the jury, that it will be an example to the rest, and will deter them from committing offences against you, if instead of punishing unskilful speakers you exact requital from the skilful. And from whom amongst our citizens could it be more suitably exacted than from Nicomachus ? Who has rendered less service or done more wrong to the city ? Appointed to transcribe our code of duties, secular and sacred, he has offended against both. Remember that ere now you have put many of the citizens to death for peculation : yet the injury that they had done you was only for the passing moment, whereas these men,[a] by taking bribes for the version that they made of our laws, damage the city for all time.

And what reason is there for acquitting this man ? Because he has taken a brave man's part in many battles by land and sea against the enemy ? But while you were facing danger on naval expeditions, this man stayed at home and corrupted the laws of Solon. Or because he has disbursed money and contributed to numerous levies ? But, so far from bestowing anything of his own upon you, he has embezzled a vast amount of your property. Or because of his ancestors ? For this has been a reason

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[a] The speaker enlarges the crime of the accused by suggesting that there are others practising or attempting the same thing.

τοῦτο συγγνώμης ἔτυχον παρ' ὑμῶν. ἀλλὰ
τούτῳ γε προσήκει διὰ μὲν αὑτὸν τεθνάναι, διὰ
δὲ τοὺς προγόνους πεπρᾶσθαι. ἀλλ' ὡς, ἐὰν νῦν
[186] αὐτοῦ φείσησθε, αὖθις ἀποδώσει τὰς χάριτας;
ὃς οὐδ' ὧν πρότερον μετέλαβε παρ' ὑμῶν ἀγαθῶν
μέμνηται. καίτοι ἀντὶ μὲν δούλου πολίτης γεγένηται,
ἀντὶ δὲ πτωχοῦ πλούσιος, ἀντὶ δὲ ὑπογραμματέως
28 νομοθέτης. ἃ καὶ ὑμῶν ἔχοι ἄν τις
κατηγορῆσαι, ὅτι οἱ μὲν πρόγονοι νομοθέτας ᾑροῦντο
Σόλωνα καὶ Θεμιστοκλέα καὶ Περικλέα, ἡγούμενοι
τοιούτους ἔσεσθαι τοὺς νόμους οἷοίπερ ἂν
ὦσιν οἱ τιθέντες, ὑμεῖς δὲ Τεισαμενὸν τὸν Μηχανίωνος
καὶ Νικόμαχον καὶ ἑτέρους ἀνθρώπους
ὑπογραμματέας· καὶ τὰς μὲν ἀρχὰς ὑπὸ τῶν
τοιούτων ἡγεῖσθε διαφθείρεσθαι, αὐτοῖς δὲ τούτοις
29 πιστεύετε. ὃ δὲ πάντων δεινότατον· ὑπογραμματεῦσαι
μὲν οὐκ ἔξεστι δὶς τὸν αὐτὸν τῇ
ἀρχῇ τῇ αὐτῇ, περὶ δὲ τῶν μεγίστων τοὺς αὐτοὺς
ἐᾶτε πολὺν χρόνον κυρίους εἶναι. καὶ τὸ τελευταῖον
Νικόμαχον εἵλεσθε ἀναγράφειν τὰ πάτρια, ᾧ κατὰ
30 πατέρα τῆς πόλεως οὐ προσήκει· καὶ ὃν ἔδει ὑπὸ[1]
τοῦ δήμου κρίνεσθαι, οὗτος τὸν δῆμον συγκαταλύσας
φαίνεται. νῦν τοίνυν ὑμῖν μεταμελησάτω
τῶν πεπραγμένων, καὶ μὴ ὑπὸ τούτων ἀεὶ κακῶς
πάσχοντες ἀνέχεσθε, μηδὲ ἰδίᾳ μὲν ὀνειδίζετε τοῖς
ἀδικοῦσιν, ἐπειδὰν δ' ἐξῇ δίκην παρ' αὐτῶν λαμβάνειν,
ἀποψηφίζεσθε.

[1] ὑπὸ Markland: ὑπὲρ mss.

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[a] Being of servile birth, he has no right to the citizenship, and should be sold in the slave-market.

in the past for some men obtaining your pardon. But if this man deserves to be put to death on his own account, he ought to be sold on account of his ancestors.[a] Or is it that, if you spare him now, he will repay your favours hereafter? He does not even remember the benefits in which you allowed him to share before. And yet from a slave he has become a citizen, and has exchanged beggary for wealth and the position of under-clerk for that of lawgiver! And here one might even make it an accusation against you that, whereas your ancestors chose as lawgivers Solon, Themistocles and Pericles, in the belief that the laws would accord with the character of their makers, you have chosen Teisamenus,[b] son of Mechanion, and Nicomachus, and other persons who were under-clerks; and although you feel that the magistracy is depraved by people of this sort, it is just these men who have your confidence. Most extraordinary of all, though it is not permissible for the same man to act twice as under-clerk to the same magistracy, you authorize the same persons to have control over the most important affairs for a long period. And, to crown all, you have chosen Nicomachus for the transcription of our ancestral rites, when on the father's side he has no connexion with the State; and the man who ought to have been tried by the people is found to have joined in destroying the people. To-day, therefore, you must repent of the things that you have done, and refuse to endure continual maltreatment from these men. You reprobate the guilty in private: do not acquit them when you are free to punish them.

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[b] Who proposed the decree that the laws should be revised.

31 Καὶ περὶ μὲν τούτων ἱκανά μοι τὰ εἰρημένα·
περὶ δὲ τῶν ἐξαιτησομένων βραχέα πρὸς ὑμᾶς
εἰπεῖν βούλομαι. παρεσκευασμένοι ⟨γάρ⟩[1] τινές
εἰσι καὶ τῶν φίλων καὶ τῶν τὰ τῆς πόλεως πραττόντων
δεῖσθαι ὑπὲρ αὐτοῦ· ὧν ἐγὼ ἡγοῦμαι
ἐνίοις προσήκειν ὑπὲρ τῶν ἑαυτοῖς πεπραγμένων
ἀπολογεῖσθαι πολὺ μᾶλλον ἢ τοὺς ἀδικοῦντας
32 σῴζειν προαιρεῖσθαι. δεινὸν δέ μοι δοκεῖ εἶναι,
ὦ ἄνδρες δικασταί, εἰ τούτου μὲν ἑνὸς ὄντος καὶ
οὐδὲν ὑπὸ τῆς πόλεως ἠδικημένου οὐκ ἐπεχείρησαν
δεῖσθαι [ὡς χρὴ][2] παύσασθαι εἰς ὑμᾶς ἐξαμαρτάνοντα,
ὑμᾶς δὲ τοσούτους ὄντας καὶ ἠδικημένους
ὑπὸ τούτου ⟨πείθειν⟩[3] ζητήσουσιν ὡς οὐ χρὴ
33 δίκην παρ' αὐτοῦ λαμβάνειν. χρὴ τοίνυν, ὥσπερ
δὴ[4] τούτους ὁρᾶτε προθύμως σῴζοντας τοὺς
φίλους, οὕτως καὶ ὑμᾶς τοὺς ἐχθροὺς τιμωρεῖσθαι,
εὖ εἰδότας ὅτι τούτοις πρώτοις ἄνδρες ἀμείνους
δόξετε εἶναι, ἐὰν παρὰ τῶν ἀδικούντων δίκην
λαμβάνητε. ἐνθυμεῖσθε δὲ ὅτι [οὔτε Νικόμαχος][5]
οὐδὲ[6] τῶν αἰτησομένων οὐδεὶς τοσαῦτα ἀγαθὰ
πεποίηκε τὴν πόλιν, ὅσα οὗτος ἠδίκηκεν, ὥστε
πολὺ μᾶλλον ὑμῖν προσήκει τιμωρεῖσθαι ἢ τούτοις
34 βοηθεῖν. εὖ δ' εἰδέναι χρὴ τοὺς αὐτοὺς τούτους,
ὅτι πολλὰ δεηθέντες τῶν κατηγόρων ἡμᾶς μὲν
οὐδαμῶς ἔπεισαν, τὴν δὲ ὑμετέραν ψῆφον καταπειράσοντες
εἰσεληλύθασιν εἰς τὸ δικαστήριον, καὶ
ἐλπίζουσιν ὑμᾶς ἐξαπατήσαντες ἄδειαν εἰς τὸν
λοιπὸν χρόνον λήψεσθαι τοῦ ποιεῖν ὅ τι ἂν βούλωνται.
35 ἡμεῖς μὲν τοίνυν οὐκ ἠθελήσαμεν ὑπὸ
τούτων ἀξιούμενοι πεισθῆναι, τὸ δὲ αὐτὸ τοῦτο

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[1] γάρ add. Reiske.
[2] ὡς χρὴ del. Dobree.
[3] πείθειν add. Contius.
[4] δὴ Cobet: ἂν mss.

On these matters I have now said enough: but in regard to those who propose to beg him off I would make to you a few remarks. Some of his friends and some members of the government have arranged to intercede for him: several of them, in my opinion, ought much rather to defend their own acts than engage to save the guilty. But it seems to me an extraordinary thing, gentlemen of the jury, that, when he was but one man, in no way wronged by the State, they made no attempt at requiring him to desist from his offences against you, but should seek to persuade you, who are so many and have been wronged by him, that you should not do justice upon him. You ought therefore to show on your part the same zeal, with which you see them working to save their friends, in punishing your enemies, fully assured that they will be the first to think the better of you for exacting the penalty from the guilty. Reflect that not a single one of those who will plead for him has done as much service as this man has done wrong to the State, and that therefore it is much more your duty to punish than it is theirs to succour. You must also know for certain that these same men have plied the prosecution with many appeals, but have utterly failed to persuade us: it is to make a base attempt on your vote that they have entered the court, and they are hoping to deceive you, and so obtain licence to act as they please in the future. Now we, having refused to be swayed by the inducements of their appeal, exhort you to show the same spirit and, instead of

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[5] οὔτε Νικόμαχος del. Dobree.
[6] οὐδὲ Westermann: οὔτε MSS.

παρακαλοῦμεν ‹ὑμᾶς›[1] μὴ πρὸ τῆς κρίσεως μισοπονηρεῖν, ἀλλ' ἐν τῇ κρίσει τιμωρεῖσθαι τοὺς τὴν ὑμετέραν νομοθεσίαν ἀφανίζοντας· οὕτως γὰρ ἐννόμως διοικηθήσεται τὰ κατὰ τὴν πολιτείαν πάντα.

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[1] ὑμᾶς add. Markland.

merely detesting wickedness before it is brought to trial, to make this trial your means of punishing those who nullify your legislation. For thus everything connected with public affairs will be administered in accordance with the laws.

XXXI. AGAINST PHILON, ON HIS SCRUTINY

INTRODUCTION

Like the speeches in defence of Mantitheus (XVI.) and against Evandros (XXVI.), this accusation of Philon is concerned with the scrutiny of persons who have been elected to public office (in this case, membership of the Council), and whose life and character must be formally approved before they can enter on their functions. As the election was by lot, this inquiry was of great importance to the State, and charges of many different kinds could be preferred by objectors. The present case is heard by the Council, and the accuser is one of its members. He bases his attack on three main grounds: Philon has shown himself a bad citizen, by taking no part in the struggle between the oligarchs and the democrats in 403 B.C.; as a resident alien at Oropus, in the extreme north of Attica, he took advantage of the turmoil of the times to rob the country people of the little that they had; and his mother's distrust of his character shows that he was an undutiful son.

It is to be remarked, on the first of these points, that Philon's defence is represented to be that, if it had been criminal to take a neutral attitude in a time of civil strife, there would have been a law expressly formulated on the matter; and the speaker's retort is that the absence of the law is due to the inconceivable depth of such baseness. As there is no reference to the old law of Solon against neutrality in civil broils, we must conclude that it had been either lost and forgotten in the course of time, or else definitely repealed.

The speech appears to have been delivered only a short time after the restoration of the democracy in 403 B.C. Its manner has a dignified formality which is stern and determined, but will not stoop to forced or petty recriminations. The main points are established by particular evidence, which is followed in each case by some reasoned comment. The artificial balance of the style in many places suggests that the work is among the earliest composed by Lysias after he started his career as a professional speech-writer.

XXXI. ΚΑΤΑ ΦΙΛΩΝΟΣ ΔΟΚΙΜΑΣΙΑΣ

1 Ὤιμην μέν, ὦ βουλή, οὐκ ἄν ποτ' εἰς τοῦτο τόλμης
Φίλωνα ἀφικέσθαι, ὥστε ἐθελῆσαι εἰς[1] ὑμᾶς
ἐλθεῖν δοκιμασθησόμενον· ἐπειδὴ δὲ οὐχ ἕν τι
μόνον ἀλλὰ πολλὰ τολμηρός ἐστιν, ἐγὼ δὲ ὀμόσας
2 εἰσῆλθον εἰς τὸ βουλευτήριον[2] τὰ βέλτιστα βουλεύσειν[3]
τῇ πόλει, ἔνεστί τε ἐν τῷ ὅρκῳ ἀποφανεῖν
εἴ τίς τινα οἶδε τῶν λαχόντων ἀνεπιτήδειον
ὄντα βουλεύειν, ἐγὼ τὴν κατὰ τουτουὶ Φίλωνος
[187] ποιήσομαι κατηγορίαν, οὐ μέντοι γε ἰδίαν ἔχθραν
οὐδεμίαν μεταπορευόμενος, οὐδὲ τῷ δύνασθαι καὶ
εἰωθέναι λέγειν ἐν ὑμῖν ἐπαρθείς, ἀλλὰ τῷ πλήθει
τῶν ἁμαρτημάτων αὐτοῦ πιστεύων, καὶ τοῖς
3 ὅρκοις οἷς ὤμοσα ἐμμένειν ἀξιῶν. γνώσεσθε μὲν
οὖν ὅτι οὐκ ἀπὸ ἴσης παρασκευῆς ἐγώ τε τοῦτον
ἐλέγξω οἷός ἐστι, καὶ οὗτος ἐπεχείρησε πονηρὸς
εἶναι· ὅμως <δ'>[4] εἴ τι ἐγὼ ἐλλείποιμι τῷ λόγῳ
τῆς κατηγορίας, οὐκ ἂν δίκαιος εἴη οὗτος διὰ
τοῦτο ὠφεληθῆναι, ἀλλὰ μᾶλλον, ὅ τι ἱκανῶς
4 διδάξαιμι, ἐκ τούτων ἀποδοκιμασθῆναι. ἐνδεῶς
μὲν γὰρ διὰ τὴν ἀπειρίαν πάντων τῶν τούτῳ
πεπραγμένων, ἱκανῶς δὲ διὰ τὴν περὶ αὐτὸν

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[1] εἰς Cobet: ὡς MSS.

[2] βουλευτήριον Bekker: δικαστήριον MSS.

[3] βουλεύσειν Frohberger: συμβουλεύσειν MSS.

[4] δ' add. Markland.

XXXI. AGAINST PHILON, ON HIS SCRUTINY

I DID not suppose, gentlemen of the Council, that Philon would ever carry audacity to the point of consenting to appear before you in order to pass a scrutiny. But since he is audacious, not in one instance only, but in many, and I have taken oath before entering the Council-chamber that my counsel would be for the best advantage of the State, and as the terms of that oath require us to expose any person appointed by lot whom we know to be unsuitable for service on the Council, I shall deliver the accusation against this man Philon: I am not, however, pursuing any private feud, nor am I prompted by my ability or practice in speaking before you, but I merely rely on the multitude of his offences, and feel bound to abide by the oaths that I have sworn. Now you will recognize that the contest will be an unequal one: my resources will not be so ample for showing up his character as his were for contriving his villainies. Nevertheless, if I should not altogether discharge my part in speaking to the accusation, it would not be right that he should benefit by that, but rather that he should be rejected on the score of any points that I can demonstrate to your satisfaction. For my speech will be found defective only on account of my imperfect acquaintance with the whole of his actions, but adequate on account of the vile-

κακίαν εἰρηκὼς ἂν εἴην. ἀξιῶ δὲ καὶ ὑμῶν οἵτινες δυνατώτεροι ἐμοῦ εἰσι λέγειν,[1] ἀποφῆναι μείζω ὄντα αὐτοῦ τὰ ἁμαρτήματα, καὶ ἐξ ὧν ἂν ἐγὼ ὑπολίπω,[2] πάλιν αὐτοὺς περὶ ὧν ἴσασι κατηγορῆσαι Φίλωνος· οὐ γὰρ ἐκ τῶν ὑπ' ἐμοῦ <μόνου>[3] λεγομένων δεῖ ὑμᾶς περὶ αὐτοῦ ὁποῖός ἐστι σκέψασθαι.

5 Ἐγὼ γὰρ οὐκ ἄλλους τινάς φημι δίκαιον εἶναι
βουλεύειν περὶ ἡμῶν, ἢ τοὺς πρὸς τῷ εἶναι πολίτας
καὶ ἐπιθυμοῦντας τούτου. τούτοις μὲν γὰρ μεγάλα
τὰ διαφέροντά ἐστιν εὖ τε πράττειν τὴν πόλιν
τήνδε καὶ ἀνεπιτηδείως διὰ τὸ ἀναγκαῖον σφίσιν
αὐτοῖς ἡγεῖσθαι εἶναι μετέχειν τὸ μέρος τῶν
6 δεινῶν, ὥσπερ καὶ τῶν ἀγαθῶν μετέχουσι· ὅσοι δὲ
φύσει μὲν πολῖταί εἰσι, γνώμῃ δὲ χρῶνται ὡς
πᾶσα γῆ πατρὶς αὐτοῖς ἐστιν ἐν ᾗ ἂν τὰ ἐπιτήδεια
ἔχωσιν, οὗτοι δῆλοί εἰσιν ὅτι κἂν[4] παρέντες τὸ τῆς
πόλεως κοινὸν ἀγαθὸν ἐπὶ τὸ ἑαυτῶν ἴδιον κέρδος
ἔλθοιεν διὰ τὸ μὴ τὴν πόλιν ἀλλὰ τὴν οὐσίαν
7 πατρίδα ἑαυτοῖς ἡγεῖσθαι. ἐγὼ τοίνυν ἀποφανῶ
Φίλωνα τουτονὶ περὶ πλείονος ποιησάμενον τὴν
ἰδίαν ἀσφάλειαν ἢ τὸν κοινὸν τῆς πόλεως κίνδυνον,
καὶ ἡγησάμενον κρεῖττον εἶναι αὐτὸν ἀκινδύνως
τὸν βίον διάγειν ἢ τὴν πόλιν σῴζειν ὁμοίως τοῖς
ἄλλοις πολίταις κινδυνεύοντα.

8 Οὗτος γάρ, ὦ βουλή, ὅτε ἡ συμφορὰ τῇ πόλει ἦν (ἧς ἐγώ, καθ' ὅσον ἀναγκάζομαι, κατὰ τοσοῦτον μέμνημαι), ἐκκεκηρυγμένος ἐκ τοῦ ἄστεως ὑπὸ τῶν τριάκοντα μετὰ τοῦ ἄλλου πλήθους τῶν πολιτῶν τέως μὲν ᾤκει ἐν ἀγρῷ, ἐπειδὴ δὲ οἱ ἀπὸ Φυλῆς κατῆλθον εἰς τὸν Πειραιᾶ, καὶ οὐ μόνον οἱ

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[1] λέγειν Reiske: λόγῳ mss.

ness of all his ways. And I also call upon those among you who may have more ability in speaking than I to amplify my exposure of his offences, and to make use of any points that I omit for accusing Philon, in your turn, of offences known to you. For it is not from my sole statement that you ought to form your views of his character.

What I say is that only those have the right to sit in Council on our concerns who, besides holding the citizenship, have their hearts set upon it. For to them it makes a great difference whether this city is prosperous or unsuccessful, because they consider themselves obliged to bear their share in her calamities as they also share in her advantages. But those who, though citizens by birth, adopt the view that any country in which they have their business is their fatherland, are evidently men who would even abandon the public interest of their city to seek their private gain, because they regard their fortune, not the city, as their fatherland. Now I will demonstrate that Philon here has set his private safety above the public danger of the city, and has held it preferable to pass his life without danger to himself rather than save the city by sharing her dangers with the rest of the citizens.

For this man, gentlemen of the Council, in the midst of the city's disaster (which I only touch upon so far as I am forced to do so), was banned from the town by the Thirty along with the main body of the citizens, and for a while he lived in the country: but when the party of Phyle returned to the Peiraeus,

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[2] ὑπολίπω Hirschig: ὑπολίπωμαι MSS.

[3] μόνον add. Frohberger.

[4] κἂν Dryander: ἂν MSS.

*ἐκ τῶν ἀγρῶν ἀλλὰ καὶ οἱ ἐκ τῆς ὑπερορίας οἱ
μὲν εἰς τὸ ἄστυ οἱ δ᾽ εἰς τὸν* Πειραιᾶ *συνελέγοντο,
καὶ καθ᾽ ὅσον ἕκαστος οἷός τ᾽ ἦν, κατὰ τοσοῦτον
ἐβοήθει τῇ πατρίδι, τὰ ἐναντία ἅπασι τοῖς ἄλλοις*
9 *πολίταις ἐποίησε· συσκευασάμενος γὰρ τὰ ἑαυτοῦ
ἐνθένδε*[1] *εἰς τὴν ὑπερορίαν ἐξῴκησε, καὶ ἐν Ὠρωπῷ
μετοίκιον κατατιθεὶς ἐπὶ προστάτου ᾤκει, βουληθεὶς
παρ᾽ ἐκείνοις μετοικεῖν μᾶλλον ἢ μεθ᾽
ἡμῶν πολίτης εἶναι. οὐ τοίνυν οὐδ᾽ ὥσπερ ἔνιοί
τινες τῶν πολιτῶν μετεβάλοντο, ἐπειδὴ ἑώρων
τοὺς ἀπὸ* Φυλῆς *ἐν οἷς ἔπραττον εὐτυχοῦντας, οὐδὲ
τούτων τι τῶν εὐτυχημάτων ἠξίωσε μετασχεῖν,
ἐπὶ κατειργασμένοις μᾶλλον ἐλθεῖν βουλόμενος ἢ
συγκατελθεῖν κατεργασάμενός τι τῶν τῇ κοινῇ
πολιτείᾳ συμφερόντων· οὐ γὰρ*[2] *ἦλθεν εἰς τὸν*
Πειραιᾶ, *οὐδ᾽ ἔστιν ὅπου ἑαυτὸν ὑμῖν τάξαι*
10 *παρέσχεν. καίτοιγε*[3] *ὅστις εὐτυχοῦντας ὁρῶν
ἡμᾶς*[4] *ἐτόλμα προδιδόναι, τί ποτε ὡς μὴ ἐβουλόμεθά
γε πράττοντας ἐποίησεν ἄν; ὅσοι μὲν
τοίνυν διὰ συμφορὰς ἰδίας οὐ μετέσχον τῶν τότε
γενομένων τῇ πόλει κινδύνων, συγγνώμης τινὸς
ἄξιοί εἰσι τυχεῖν· οὐδενὶ γὰρ οὐδὲν ἑκούσιον*
11 *δυστύχημα γίγνεται· ὅσοι δὲ γνώμῃ τοῦτο ἔπραξαν,
οὐδεμιᾶς συγγνώμης ἄξιοί εἰσιν· οὐ γὰρ διὰ
δυστυχίαν ἀλλὰ δι᾽ ἐπιβουλὴν ἐποίησαν αὐτό.
καθέστηκε δέ τι ἔθος δίκαιον πᾶσιν ἀνθρώποις
τῶν αὐτῶν ἀδικημάτων μάλιστα ὀργίζεσθαι τοῖς
μάλιστα δυναμένοις μὴ ἀδικεῖν, τοῖς δὲ πένησιν
ἢ ἀδυνάτοις τῷ σώματι συγγνώμην ἔχειν διὰ τὸ*

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[1] *ἐνθένδε* Bekker: *ἐνθάδε* MSS.

[2] *οὐ γὰρ* Weidner: *οὐδ᾽* MSS.

[3] *καίτοιγε* Scheibe: *καὶ γὰρ* MSS.

and the people, not only from the country, but from over the border, assembled together, partly in the town and partly in the Peiraeus, and when each to the extent of his powers came to the rescue of his fatherland, Philon's conduct was the opposite of that shown by the rest of the citizens. For he packed up all his belongings and left the city to live beyond the border, at Oropus, where he paid the aliens' tax and resided under the protection of a patron, since he preferred the life of an alien among those people to citizenship with us. And so he would not even do as some citizens did, who turned about when they saw the party of Phyle succeeding in their efforts; he did not even think fit to take any share in these successes, but chose to come when the business was achieved rather than join in the return after achieving something for the advantage of the commonwealth. For he did not come to the Peiraeus, nor is there any instance of his having placed himself at your disposal. But I ask you, if on seeing us successful he did not shrink from betraying us, what must he have done to us, had we failed of our object? Now those who were prevented by private calamities from sharing the dangers that then beset the city deserve some indulgence: for misfortune befalls no man of his own will. But those who acted thus by design merit no indulgence, since their conduct was due, not to mishap, but to policy. It is a custom accepted as just among all mankind that in face of the same crimes we should be most incensed with those men who are most able to avoid criminal action, but should be indulgent to the poor or disabled because

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[4] ἡμᾶς Taylor: ὑμᾶς MSS.

12 ἡγεῖσθαι ἄκοντας αὐτοὺς ἁμαρτάνειν. οὗτος
τοίνυν οὐδεμιᾶς συγγνώμης ἄξιός ἐστι τυχεῖν·
οὔτε γὰρ τῷ σώματι ἀδύνατος ἦν ταλαιπωρεῖν, ὡς
[188] καὶ ὑμεῖς ὁρᾶτε, οὔτε τῇ οὐσίᾳ ἄπορος λῃτουργεῖν,
ὡς ἐγὼ ἀποδείξω. ὅστις οὖν ὅσον δυνατὸς
ἦν ὠφελεῖν, τοσοῦτον κακὸς ἦν, πῶς οὐκ ἂν
13 εἰκότως ὑπὸ πάντων ὑμῶν μισοῖτο; ἀλλὰ μὴν
οὐδ' ἀπεχθήσεσθέ γε τῶν πολιτῶν οὐδενὶ τοῦτον
ἀποδοκιμάσαντες, ⟨ὃς⟩[1] οὔ τι[2] τοὺς ἑτέρους ἀλλ'
ἀμφοτέρους φανερός ἐστι προδούς, ὥστε μήτε τοῖς
ἐν τῷ ἄστει γενομένοις φίλον προσήκειν εἶναι
τοῦτον (οὐ γὰρ ἠξίωσεν ὡς αὐτοὺς ἐλθεῖν κινδυνεύοντας),
μήτε τοῖς τὸν Πειραιᾶ καταλαβοῦσιν·
οὐδὲ γὰρ τούτοις ἠθέλησε συγκατελθεῖν, καὶ
14 ταῦτα ὥς φησι καὶ ἀστὸς γενόμενος. εἰ μέντοι τι
μέρος περίεστι τῶν πολιτῶν ὅ τι τῶν αὐτῶν
μετέσχε τούτῳ πραγμάτων, μετ' ἐκείνων, ἐάν ποτε
(ὃ μὴ γένοιτο) λάβωσι τὴν πόλιν, βουλεύειν
ἀξιούτω.

Ὡς οὖν ᾤκει τε ἐν Ὠρωπῷ ἐπὶ προστάτου καὶ ἐκέκτητο ἱκανὴν οὐσίαν καὶ οὔτ' ἐν τῷ Πειραιεῖ οὔτ' ἐν τῷ ἄστει ἔθετο τὰ ὅπλα, ἵνα εἰδῆτε ὅτι ταῦτα πρῶτον ἀληθῆ λέγω, ἀκούσατε τῶν μαρτύρων.

ΜΑΡΤΥΡΕΣ

15 Ὑπολείπεται τοίνυν αὐτῷ λέγειν ὡς τῷ μὲν σώματι δι' ἀσθένειάν τινα γενομένην ἀδύνατος κατέστη βοηθῆσαι εἰς τὸν Πειραιᾶ, ἀπὸ δὲ τῶν ὑπαρχόντων ἐπαγγειλάμενος αὐτὸς ἢ χρήματ'

[1] ὃς add. Taylor. [2] οὔ τι Sauppe: οὔτ' εἰ MSS.

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[a] The text here is very doubtful. The meaning seems to

we regard their offences as involuntary. This man, therefore, deserves no indulgence; for neither was he disabled and thus unfit for hardship, as you see for yourselves, nor did he lack means for the public services, as I shall establish. If, then, he was as backward as he was able to help, how should he not be hated with good reason by you all? Nor indeed will you incur the enmity of any of the citizens if you reject him; for it is by no means one party, but both, that he has manifestly betrayed, so that he can claim friendship neither with those who were in the town (for he did not think fit to stand by them in their peril), nor with those who occupied the Peiraeus, since he did not consent to return even with them; and that, too, when he was, as he asserts, a townsman![a] But if there yet remains a party of the citizens that had a share in his proceedings, if ever—may Heaven forfend it!—they get the city into their hands, let him claim his seat on the Council with them.

Well, that he lived at Oropus under the protection of a patron, that he possessed ample means, and yet stood to arms neither in the Peiraeus nor in the town, are my first contentions: to make sure of their truth, hear the witnesses.

WITNESSES

So now it remains for him to state that owing to some infirmity that befell him he was incapacitated from assisting the party in the Peiraeus, but that he offered to spend his own resources either in contri-

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be that he claims to be a citizen in the fullest sense, yet has not shown any of the feelings of a citizen. He and any associates of his are utterly disloyal.

εἰσενεγκεῖν εἰς τὸ πλῆθος τὸ ὑμέτερον ἢ ὁπλίσαι
τινὰς τῶν ἑαυτοῦ δημοτῶν, ὥσπερ καὶ ἄλλοι
πολλοὶ τῶν πολιτῶν αὐτοὶ οὐ δυνάμενοι λῃτουργεῖν
16 τοῖς σώμασιν. ἵνα οὖν μὴ ἐγγένηται αὐτῷ
ψευσαμένῳ ἐξαπατῆσαι, καὶ περὶ τούτων ἤδη
σαφῶς ὑμῖν ἀποδείξω, ἐπειδὴ ὕστερον οὐκ ἐξέσται
μοι παρελθόντι ἐνθάδ' ἐλέγχειν αὐτόν. καί μοι
κάλει Διότιμον τὸν[1] Ἀχαρνέα καὶ τοὺς αἱρεθέντας
μετ' αὐτοῦ τοὺς δημότας ὁπλίσαι ἀπὸ τῶν εἰσενεχθέντων
χρημάτων.

ΜΑΡΤΥΡΙΑ ΤΩΝ ΑΙΡΕΘΕΝΤΩΝ ΜΕΤΑ ΔΙΟΤΙΜΟΥ

17 Οὗτος τοίνυν οὐχ ὅπως ὠφελήσει τὴν πόλιν ἐν
τοιούτῳ καιρῷ καὶ τοιαύτῃ καταστάσει διενοήθη,
ἀλλ' ὅπως τι κερδανεῖ ἀπὸ τῶν ὑμετέρων συμφορῶν
παρεσκευάσατο· ὁρμώμενος γὰρ ἐξ Ὠρωποῦ,
τοτὲ μὲν αὐτὸς μόνος, τοτὲ δ' ἑτέροις ἡγούμενος
18 οἷς τὰ ὑμέτερα δυστυχήματα εὐτυχήματα ἐγεγόνει,
περιιὼν κατὰ τοὺς ἀγροὺς καὶ ἐντυγχάνων τῶν
πολιτῶν τοῖς πρεσβυτάτοις, οἳ κατέμειναν ἐν τοῖς
δήμοις ὀλίγα μὲν τῶν ἐπιτηδείων ἔχοντες, ἀναγκαῖα
δέ, εὖνοι μὲν ὄντες τῷ πλήθει, ἀδύνατοι δὲ
ὑπὸ τῆς ἡλικίας βοηθεῖν, τούτους ἀφηρεῖτο τὰ
ὑπάρχοντα, περὶ πλείονος ποιούμενος αὐτὸς μικρὰ
κερδαίνειν ἢ ἐκείνους μηδὲν ἀδικεῖν· οἳ νῦν αὐτὸν
δι' αὐτὸ τοῦτο οὐχ οἷοί τέ εἰσιν ἐπεξελθεῖν ἅπαντες,
δι' ὅπερ καὶ τότε ἀδύνατοι τῇ πόλει βοηθεῖν ἦσαν.
19 οὐ μέντοι τοῦτόν γε χρὴ διὰ τὴν ἐκείνων ἀδυναμίαν
δὶς ὠφεληθῆναι, τότε τ'[2] ἀφελόμενον ἃ εἶχον, νῦν

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[1] Διότιμον τὸν Frohberger: αὐτὸν Διότιμον mss.

[2] τότε τ' Reiske: τό τε mss.

buting to the people's funds or in arming some of his fellow-townsmen as infantry, after the example of many other citizens who were unable to give their loyal services in person. Now, to preclude him from deceiving you with lies, I will give you clear information at once on these points also, since I shall not be at liberty afterwards to come forward in this place and expose him. Please call Diotimus of Acharnae[a] and those who were appointed with him to arm the townsmen as infantry from the funds then contributed.

EVIDENCE OF DIOTIMUS AND THOSE APPOINTED WITH HIM

So this man had no intention of aiding the city in such a moment, in such a position of her affairs ; his purpose was to make a profit out of your disasters. For he set out from Oropus, going sometimes alone and sometimes at the head of others who took your misfortunes as so much good fortune, and so traversed the countryside : where he met with the most elderly citizens who had stayed behind in their townships with scanty supplies that barely sufficed them,—men who were attached to the democracy, but unable owing to their age to give it their support,—he stripped them of their resources, thinking it more important to make his own petty gains than to spare them injury. It is not possible for all these to prosecute him to-day, from the very same cause that disabled them from supporting the city : yet this man ought not to benefit twice from their disability, and be helped thereby to pass your present scrutiny as

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[a] The principal township of Attica, 7 miles north of Athens.

τε δοκιμασθέντα ὑφ' ὑμῶν· ἀλλὰ κἂν ὁστισοῦν
παραγένηται τῶν ἀδικηθέντων, μέγα αὐτὸ ἡγήσασθε
εἶναι, καὶ τοῦτον ὑπερμισήσατε, ὅστις
ἐτόλμησεν, οἷς ἕτεροι διδόναι παρ' ἑαυτῶν τι
προῃροῦντο διὰ τὴν ἀπορίαν οἰκτίραντες αὐτούς,
τούτων ἀφαιρεῖσθαι τὰ ὑπάρχοντα. κάλει μοι
τοὺς μάρτυρας.

ΜΑΡΤΥΡΕΣ

20 Οὐ τοίνυν ἔγωγε οἶδα[1] ὅ τι ὑμᾶς διαφερόντως
δεῖ γιγνώσκειν περὶ αὐτοῦ ἢ οἱ οἰκεῖοι γιγνώσκουσι·
τοιαῦτα γάρ ἐστιν, ὥστ' εἰ καὶ μηδὲν
αὐτῷ ἄλλο ἡμάρτητο, διὰ μόνα ταῦτα δίκαιον[2]
εἶναι ἀποδοκιμασθῆναι. οἷα μὲν οὖν ζῶσα ἡ
μήτηρ αὐτοῦ κατηγόρει, παρήσω· ἐξ ὧν δὲ
τελευτῶσα τὸν βίον διεπράξατο τεκμαιρομένοις
ῥᾴδιόν ἐστιν ὑμῖν γνῶναι ὁποῖός τις ἦν περὶ
21 αὐτήν. ἐκείνη γὰρ τούτῳ μὲν ἠπίστησεν ἀποθανοῦσαν
ἑαυτὴν ἐπιτρέψαι, Ἀντιφάνει δὲ οὐδὲν
προσήκουσα πιστεύσασα ἔδωκεν εἰς τὴν ἑαυτῆς
ταφὴν τρεῖς μνᾶς ἀργυρίου, παραλιποῦσα τοῦτον
ὑὸν ὄντα ἑαυτῆς. ἆρα δῆλον ὅτι εὖ ᾔδει αὐτὸν
οὐδὲ διὰ τὸ προσήκειν αὐτῇ τὰ δέοντα ἂν ποιήσαντα;
22 καίτοι εἰ μήτηρ, ἣ πέφυκε καὶ ἀδικουμένη
ὑπὸ τῶν ἑαυτῆς παίδων μάλιστα ἀνέχεσθαι
καὶ μίκρ'[3] ὠφελουμένη μεγάλα ἔχειν ἡγεῖσθαι
διὰ τὸ εὐνοίᾳ μᾶλλον ἢ ἐλέγχῳ τὰ γιγνόμενα
[189] δοκιμάζειν, ἐνόμιζε τοῦτον κἂν ἀπὸ τεθνεώσης
φέρειν ἑαυτῆς, τί χρὴ ὑμᾶς περὶ αὐτοῦ διανοηθῆναι;
23 ὅστις γὰρ περὶ τοὺς ἑαυτοῦ ἀναγκαίους
τοιαῦτα ἁμαρτάνει ἁμαρτήματα, τί ἂν περί γε

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[1] οἶδα marg. Ald.: ᾔδη, οἶμαι mss.

[2] δίκαιον Emperius: ἱκανὸν mss.

he was before to rob them of what they had. Nay, if but a single one of those whom he has wronged appears in court, make much of it, and utterly detest this man, who could bring himself to strip of their resources those on whom other men, out of pity for their straits, freely bestowed something from their own. Pray call the witnesses.

WITNESSES

Well now, I do not see how your judgement of him should differ from that of his own people; for the facts are of such a nature that, even if he had committed no other offence, they would alone justify his rejection. The strange things of which his mother accused him while she was alive I will pass over; but on the evidence of the measures that she took at the close of her life you can easily judge how he treated her. She demurred to committing herself to his care after her death, but as she had confidence in Antiphanes, who was no connexion of hers, she gave him three minae of silver for her burial, ignoring this man, who was her own son. Obviously, of course, she was convinced that he would not perform the last duties even on the ground of his relationship. Now I ask you, if a mother,—who is naturally most willing to tolerate even an injury at the hands of her own children, and who counts little benefits as great gains because she assesses their behaviour by affection rather than logic,—believed that this man would seek his profit from her even in death, what should be your feeling about him? For when a man commits such offences in regard to his own relations,

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[3] μίκρ' Wakefield: μηδ' MSS.

τοὺς ἀλλοτρίους ποιήσειεν; ὡς οὖν καὶ ταῦτ᾽ ἀληθῆ ἐστιν, ἀκούσατε αὐτοῦ τοῦ λαβόντος τὸ ἀργύριον καὶ θάψαντος αὐτήν.

ΜΑΡΤΥΡΙΑ

24 Τί ‹ἂν›[1] οὖν βουληθέντες ὑμεῖς τοῦτον δοκιμάσαιτε;
πότερον ὡς οὐχ ἡμαρτηκότα; ἀλλὰ τὰ
μέγιστα περὶ τὴν πατρίδα ἠδίκηκεν· ἀλλ᾽ ὡς
ἔσται βελτίων; τοιγάρτοι πρότερον βελτίων
γενόμενος περὶ τὴν πόλιν ὕστερον βουλεύειν
ἀξιούτω, φανερόν τι ἀγαθὸν ὥσπερ τότε κακὸν
ποιήσας. σωφρονέστερον γάρ ἐστιν ὕστερον πᾶσι
τῶν ἔργων τὰς χάριτας ἀποδιδόναι· δεινὸν γὰρ
ἔμοιγε δοκεῖ εἶναι, εἰ ἐξ ὧν μὲν ἤδη ἡμάρτηκε
μηδέποτε τιμωρηθήσεται, ἐξ ὧν δὲ μέλλει εὖ
25 ποιήσειν ἤδη τετιμήσεται. ἀλλ᾽ ἄρα ἵνα βελτίους
ὦσιν οἱ πολῖται ὁρῶντες ἅπαντας ὁμοίως τιμωμένους,
διὰ τοῦτο δοκιμαστέος ἐστίν; ἀλλὰ
κίνδυνος καὶ τοὺς χρηστούς, ἐὰν αἰσθάνωνται
ὁμοίως τοῖς πονηροῖς τιμώμενοι, παύσεσθαι τῶν
χρηστῶν ἐπιτηδευμάτων, τῶν αὐτῶν ἡγουμένους
εἶναι τούς τε κακοὺς τιμᾶν καὶ τῶν ἀγαθῶν
26 ἀμνημονεῖν· ἄξιον δὲ καὶ τόδε ἐνθυμηθῆναι, ὅτι
εἰ μέν τις φρούριόν τι προὔδωκεν ἢ ναῦν ἢ στρατόπεδόν
τι, ἐν ᾧ μέρος τι ἐτύγχανε τῶν πολιτῶν ὄν,
ταῖς ἐσχάταις ἂν ζημίαις ἐζημιοῦτο, οὗτος δὲ
προδοὺς ὅλην τὴν πόλιν οὐχ ὅπως ‹μὴ›[2] τιμωρηθήσεται
‹ἀλλὰ καὶ ὅπως τιμήσεται›[3] παρασκευάζεται.
καίτοι δικαίως γ᾽ ἄν, ὅστις φανερῶς
ὥσπερ οὗτος προὔδωκε τὴν ἐλευθερίαν, οὐ περὶ

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[1] ἂν add. Bekker.
[2] μὴ add. Reiske.
[3] ἀλλὰ καὶ ὅπως τιμηθήσεται (τιμήσεται Cobet) add. Reiske.

what would he do in regard to strangers? To prove that these also are true facts, hear the statement of the actual person who received the money and buried her.

EVIDENCE

What inducement, then, could you have for approving this man? Because he has committed no offence? But he is guilty of the gravest crimes against his country. Or do you think he will reform? Then, I say, let him reform first in his bearing towards the city, and claim a seat on the Council later, when he has done her a service as signal as the wrong that he did her before. The saner course is to recompense everyone for his services after they have been performed; for I consider it monstrous that for the offences which he has already committed he is never to pay the penalty, but for the benefits which he intends to confer he is to be already possessed of honour. Or is it to make the citizens better when they see all men honoured alike,—is this why he is to be approved? But the danger is that good men, when they observe that they and the bad are honoured alike, will desist from their good behaviour, expecting that the same persons who honour the wicked may well be forgetful of the virtuous. And this further point is worthy of your attention,—that whereas anyone who had betrayed a fort or a ship or an army which happened to have in it some part of our people, would be visited with the extreme penalty, this man, who has betrayed the whole city, is planning not merely to escape requital but even to obtain honour! But surely anyone who has betrayed liberty in the flagrant manner of this man deserves to be faced with a judgement awarding

τοῦ βουλεύειν ἀλλὰ περὶ τοῦ δουλεύειν καὶ τῆς
μεγίστης τιμωρίας ἀγωνίζοιτο.[1]
27 Ἀκούω δ᾽ αὐτὸν λέγειν ὡς, εἴ τι ἦν ἀδίκημα τὸ
μὴ παραγενέσθαι ἐν ἐκείνῳ τῷ καιρῷ, νόμος ἂν
ἔκειτο περὶ αὐτοῦ διαρρήδην, ὥσπερ καὶ περὶ τῶν
ἄλλων ἀδικημάτων. οὐ γὰρ οἴεται ὑμᾶς γνώσεσθαι
ὅτι διὰ τὸ μέγεθος τοῦ ἀδικήματος οὐδεὶς περὶ
αὐτοῦ ἐγράφη νόμος. τίς γὰρ ἄν ποτε ῥήτωρ
ἐνεθυμήθη ἢ νομοθέτης ἤλπισεν ἁμαρτήσεσθαί τινα
28 τῶν πολιτῶν τοσαύτην ἁμαρτίαν; οὐ γὰρ ἂν
δήπου, εἰ μέν τις λίποι τὴν τάξιν μὴ αὐτῆς τῆς
πόλεως ἐν κινδύνῳ οὔσης ἀλλ᾽ ἑτέρους εἰς τοῦτο
καθιστάσης, ἐτέθη νόμος ὡς μεγάλα ἀδικοῦντος,
εἰ δέ τις αὐτῆς τῆς πόλεως ἐν κινδύνῳ οὔσης λίποι
τὴν πόλιν αὐτήν, οὐκ ἂν ἄρα ἐτέθη. σφόδρα γ᾽
ἄν, εἴ τις ᾠήθη τινὰ τῶν πολιτῶν ἁμαρτήσεσθαί
29 τι τοιοῦτόν ποτε. τίς δ᾽ οὐκ ἂν εἰκότως ἐπιτιμήσειεν
ὑμῖν, εἰ τοὺς μετοίκους μέν, ὅτι οὐ κατὰ
τὸ προσῆκον ἑαυτοῖς ἐβοήθησαν τῷ δήμῳ, ἐτιμήσατε
ἀξίως τῆς πόλεως, τοῦτον δέ, ὅτι παρὰ τὸ
προσῆκον ἑαυτῷ προὔδωκε τὴν πόλιν, μὴ κολάσετε,
εἰ μή γε ἄλλῳ τινὶ μείζονι, τῇ γε παρούσῃ
30 ἀτιμίᾳ; ἀναμνήσθητε δὲ δι᾽ ὅ τι ποτὲ τοὺς ἀγαθοὺς
ἄνδρας γενομένους περὶ τὴν πόλιν τιμᾶτε καὶ
τοὺς κακοὺς ἀτιμάζετε. ἐδείχθη γὰρ ἀμφότερα
ταῦτα οὐ τῶν γεγενημένων μᾶλλόν τι ἕνεκα ἢ
τῶν γενησομένων, ἵν᾽ ἀγαθοὶ προθυμῶνται γίγνε-

[1] τιμωρίας Dobree, ἀγωνίζοιτο Rauchenstein: ἀπορίας ἐκκλησιάζεται, ἐκκλησιάζοιτο MSS.

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[a] *i.e.*, we are to suppose, forsooth, that desertion is a crime only when the city is so far from being in danger as to be at war with another city.

him, not a seat on the Council, but slavery and the heaviest punishment.

He argues, so I am told, that, if it was a crime to absent himself at that crisis, we should have had a law expressly dealing with it, as in the case of all other crimes. He does not expect you to perceive that the gravity of the crime was the reason why no law was proposed to deal with it. For what orator would ever have conceived, or lawgiver have anticipated, that any of the citizens would be guilty of so grave an offence? So, I suppose, if one should desert one's post when the city itself was not in danger, but was rather endangering another people,[a] a law would have been made condemning that as a grievous crime; but if one deserted the city itself when the city itself was in danger, we should have had no law against this! Certainly we should, if there had been a thought that any of the citizens would ever commit such a crime. Not a man but would have reason to rebuke you, gentlemen, if, after honouring in a manner worthy of the city our resident aliens for having supported the democracy beyond the requirements of their duty, you are not going to inflict on this man, for having betrayed the city in violation of his duty, if not some heavier punishment of another kind, at least the dishonour which you hold over him to-day. Recall to your minds what reason you can have for honouring those who have proved themselves good servants of the State and for dishonouring those who serve her ill. In either case the distinction has been made not so much for the sake of those who have come into the world, as of those who are yet to come, in order that they may strive to become

σθαι ἐκ παρασκευῆς, κακοὶ δὲ μηδὲ ἐξ ἑνὸς
31 τρόπου ἐπιχειρῶσιν. ἔτι δὲ ἐνθυμήθητε· ποίων
ἂν ὑμῖν δοκεῖ οὗτος ὅρκων φροντίσαι, ὃς ἔργῳ
τοὺς πατρίους θεοὺς προὔδωκεν; ἢ πῶς ἂν
χρηστόν τι βουλεῦσαι περὶ τῆς πολιτείας, ὅς οὐδὲ
ἐλευθερῶσαι τὴν πατρίδα ἐβουλήθη; ἢ ποῖα ἂν
ἀπόρρητα τηρῆσαι, ὃς οὐδὲ τὰ προειρημένα
ποιῆσαι ἠξίωσε; πῶς δ' εἰκός ἐστι τοῦτον, ὃς
οὐδὲ τελευταῖος ἐπὶ τοὺς κινδύνους ἦλθε, πρότερον
τῶν κατεργασαμένων καὶ οὕτω νῦν τιμηθῆναι[1];
σχέτλιον δ' ἂν εἴη, εἰ οὗτος μὲν ἅπαντας τοὺς
πολίτας περὶ οὐδενὸς ἡγήσατο, ὑμεῖς δὲ τοῦτον
32 ἕνα ὄντα μὴ ἀποδοκιμάσαιτε. ὁρῶ δέ τινας οἳ
νῦν μὲν τούτῳ παρασκευάζονται βοηθεῖν καὶ
δεῖσθαι ὑμῶν, ἐπειδὴ ἐμὲ οὐκ ἐδύναντο πεῖσαι·
τότε δέ, ὅτε οἱ κίνδυνοι μὲν ὑμῖν καὶ οἱ μέγιστοι
ἀγῶνες ἦσαν, τὰ δὲ ἆθλα αὐτὴ ἡ πολιτεία ἔκειτο,
καὶ ἔδει οὐ μόνον περὶ τοῦ βουλεύειν ἀλλὰ καὶ
[190] περὶ τῆς ἐλευθερίας ἀγωνίζεσθαι,[2] τότε οὐκ
ἐδέοντο αὐτοῦ βοηθῆσαι καὶ ὑμῖν καὶ κοινῇ τῇ
πόλει, καὶ μὴ προδοῦναι μήτε τὴν πατρίδα μήτε
τὴν βουλήν, ἧς νῦν ἀξιοῖ τυχεῖν οὐ μετὸν αὐτῷ,
33 ἄλλων γε κατεργασαμένων. μόνος δή, ὦ βουλή,
δικαίως οὐδ' ἂν ἀγανακτοίη μὴ τυχών· οὐ γὰρ
ὑμεῖς νῦν αὐτὸν ἀτιμάζετε, ἀλλ' αὐτὸς αὐτὸν τότε
ἀπεστέρησεν, ὅτε οὐκ ἠξίωσεν, ὥσπερ νῦν προθύμως
κληρωσόμενος ἦλθε, καὶ τότε διαμαχούμενος περὶ
αὐτῆς καταστῆναι μεθ' ὑμῶν.
34 Ἱκανά μοι[3] νομίζω εἰρῆσθαι, καίτοι πολλά γε

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[1] *νῦν τιμηθῆναι* Gebauer: *συντιμηθῆναι* MSS.

[2] *ἀγωνίζεσθαι* Frohberger: *βούλεσθαι, βουλεύεσθαι* MSS.

[3] *μοι* Reiske: *μὲν* MSS.

worthy by studious effort, and in no single direction may attempt to be base. Reflect, moreover, on this : what kind of oaths do you think he would regard, when by his act he has betrayed his ancestral gods ? Or how could he give good counsel on our State affairs, when he did not even desire to liberate his country ? Or what secrets would he keep, when he did not even choose to obey public orders ? How can it be suitable that this man, who was not even the last to come at the call of danger, should be placed in front of those who achieved our success, to receive this honour to-day ? It would be deplorable if he, who accounted the whole body of our citizens as nothing, should not in his single person be disqualified by you. I see certain persons who are preparing to-day to support him and to plead with you, since they were not able to seduce me ; but in those days of your dangers and sorest struggles, when the constitution itself was at stake and you had to contend not merely for seats on the Council but for freedom itself, they did not plead with him then to support both you and the commonwealth, and to betray neither his country nor the Council, to which he now demands admission without any right, since our success was achieved by others. He alone, gentlemen of the Council, will have no fair cause for complaint if he is not admitted : for it is not you who are debarring him from honour to-day ; it is he who deprived himself of it, at the time when he declined to come, with a zeal such as brings him now for the drawing of the lots, to take his stand with you then as a champion of the Council.

I believe that what I have said is sufficient ; and

παραλιπών· ἀλλὰ πιστεύω ὑμᾶς καὶ ἄνευ τούτων αὐτοὺς[1] τὰ συμφέροντα τῇ πόλει γνώσεσθαι. οὐ γὰρ ἄλλοις τισὶν ὑμᾶς δεῖ περὶ τῶν ἀξίων ὄντων βουλεύειν τεκμηρίοις χρῆσθαι ἢ ὑμῖν αὐτοῖς, ὁποῖοί τινες ὄντες αὐτοὶ περὶ τὴν πόλιν ἐδοκιμάσθητε. ἔστι γὰρ τὰ τούτου ἐπιτηδεύματα καινὰ[2] παραδείγματα καὶ πάσης δημοκρατίας ἀλλότρια.

[1] αὐτοὺς Reiske: αὐτῶν MSS.

[2] καινὰ Anon. Taylori: κοινὰ MSS.

yet there are many things that I have omitted. But I am confident that even without these you will make for yourselves the decision that is best for the city. To judge of those who are worthy to sit on the Council you need no other test than yourselves, and the civic character which enabled you to pass your own scrutiny. For this man's conduct sets up a standard that is novel and foreign to all democracy.

XXXII. AGAINST DIOGEITON

INTRODUCTION

This interesting portion of a speech has been preserved to us by Dionysius of Halicarnassus,[a] who quotes it and two other pieces to illustrate the various excellences that he has pointed out in the work of Lysias.[b] He introduces this piece, as an example of skill in forensic speech-writing, with the following summary :—

" Diodotus, one of those who were enrolled to serve under Thrasyllus in the Peloponnesian War, as he was about to sail to Asia in the archonship of Glaucippus,[c] and had children of tender age, made a will whereby he left as their guardian his own brother, Diogeiton, who was also at once an uncle and a grandfather of the children. Now he himself was killed in a battle at Ephesus[d]; then Diogeiton, having had the management of the whole of the orphans' estate, and from a very large sum having nothing to show in his account as remaining to them, is accused by one of the youths, now certified to be of age, of misconduct of guardianship. The charge against him is delivered by the husband of his daughter's daughter, who is also the youths' sister."

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[a] Who taught and wrote as a rhetorician and critic at Rome during the reign of Augustus.

[b] *De Lysia*, 23, 25, 27.

[c] 410–409 B.C.

[d] 409 B.C.

During the minority of his wards, a guardian had practically a free hand in the administration of their estate. When, however, one of them had been certified to be of age (eighteen) after the usual inquiry or scrutiny, and found evidence of dishonesty in his guardian's administration, it was open to him to take proceedings before the archon-in-chief. This has been done in the present case, and we have here the first part of the speech delivered by a brother-in-law of three aggrieved wards in support of the suit of the eldest of them, a youth who has just come of age. We meet with a similar prosecution in the three speeches of Demosthenes against Aphobus; but it is to the credit of Lysias's skill, in writing an accusation for someone else, that his direct appeal to feeling—so important in a law-court then as now—is perhaps more effective than the elaborate incriminations composed by the young and brilliant Demosthenes for himself. And we learn from Photius[a] that the speech *Against Diogeiton* was especially admired in ancient times. Dionysius dwells at some length on the merits of the exordium or prefatory part (1-3), commending its tact in arousing the sympathetic interest of the court in the orphans and in their defender. He leaves the easy and vivid narrative (4-18), and the well-ordered "proof" or exposure of Diogeiton's guilt (19-29), to speak for themselves.

Although the speech, so far as it goes, is admirably clear and impresses its purport with increasing effect as it proceeds, there are certain points in the exposition which may call for remark. When the orphans are informed by Diogeiton that the money left them by their father has run out and that the elder boy must now shift for himself, the speaker tells first how in their consternation and distress they brought their mother to him and implored his aid ; then how, at her intreaty, he confronted Diogeiton with her and her friends ; and he boldly adds dramatic life to the scene by quoting her indignant expostulation at some length (12-13, 15-17). Instead of amplifying her remarks, the speaker merely makes brief mention of their effect upon the company (18). He proceeds to explain the way in which Diogeiton has manipulated the trust to his own advantage and to the ruin of his wards.

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[a] *Cod.* 262.

With regard to the accounts of the estate, the speaker claims that Diogeiton received five talents in deposit (5), that seven talents and forty minae were invested in bottomry,[a] and also two thousand drachmae (twenty minae) in the Chersonese (6) : these make a total of thirteen talents. At first Diogeiton said that he had only received twenty minae and thirty staters (9), or twenty-eight minae and forty drachmae, the very sum which had been given by Diodotus to his wife at his departure, and which she had then handed over to Diogeiton (6, 15). The wife, who married again after Diodotus's death, declares that Diogeiton has received the deposit of five talents, has recovered the loans on bottomry (seven talents and forty minae) and a mortgage of one talent and forty minae, and also holds twenty minae and the investment of twenty minae in the Chersonese (13-15). The total of these is fifteen talents. It appears therefore that, if the text of the speaker's statement (6) had survived complete, it would mention the mortgage and the twenty minae.[a] The speaker proceeds to state that Diogeiton has at length confessed to holding a sum of seven talents and forty minae (20-28), but makes out that the expenses on account of the children have amounted to eight talents and ten minae (20): he has also paid fifty minae (instead of sixty minae, or a talent) as a dowry for the mother (6, 8), and has to find a dowry, which ought to be a talent, for the daughter (6). The speaker, having already given instances of improper charges made on the estate, undertakes to show that, even assuming that Diogeiton had only, as he says, seven talents and forty minae, and ignoring income received from investments, he has grossly exaggerated the expenses of the children. To begin with, their maintenance and attendance cannot have cost more than a thousand drachmae a year, which in eight years would amount to one talent and twenty minae (28-29). At this point Dionysius has broken off his quotation of the speech. Since Diodotus was killed in 409 B.C., the trial must have taken place in 400 B.C., allowing for the eight years of Diogeiton's guardianship and some months of discussions and other preparations for the trial. Thus it was two or three years later than the scrutiny of Philon (XXXI.).

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[a] These very common and lucrative investments were the basis of the maritime commerce of Athens. The shipper borrowed money for his undertaking, agreeing to repay it if he was successful: the risks of navigation, piracy, etc. were great, and the interest paid was high—one-eighth for short, one-third for long, voyages, and the security comprised the ship, cargo and profits, which could be distrained by the lender in case of non-payment.

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[a] 1 talent and 40 minae + 20 minae = 2 talents.

XXXII. ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ

[498] 1 Εἰ μὲν μὴ μεγάλα ἦν τὰ διαφέροντα, ὦ ἄνδρες
δικασταί, οὐκ ἄν ποτε εἰς ὑμᾶς εἰσελθεῖν τούτους
εἴασα, νομίζων αἴσχιστον εἶναι πρὸς τοὺς οἰκείους
διαφέρεσθαι, εἰδώς τε ὅτι οὐ μόνον οἱ ἀδικοῦντες
χείρους ὑμῖν εἶναι δοκοῦσιν, ἀλλὰ καὶ οἵτινες ἂν
ἔλαττον ὑπὸ τῶν προσηκόντων ἔχοντες ἀνέχεσθαι
μὴ δύνωνται· ἐπειδὴ μέντοι, ὦ ἄνδρες δικασταί,
πολλῶν χρημάτων ἀπεστέρηνται καὶ πολλὰ καὶ
[499] δεινὰ πεπονθότες ὑφ᾿ ὧν ἥκιστα ἐχρῆν, ἐπ᾿ ἐμὲ
κηδεστὴν ὄντα κατέφυγον, ἀνάγκη μοι γεγένηται
2 εἰπεῖν ὑπὲρ αὐτῶν. ἔχω δὲ τούτων μὲν ἀδελφήν,
Διογείτονος δὲ θυγατριδῆν, καὶ πολλὰ δεηθεὶς
ἀμφοτέρων τὸ μὲν πρῶτον ἔπεισα τοῖς φίλοις
ἐπιτρέψαι δίαιταν, περὶ πολλοῦ ποιούμενος τὰ
τούτων πράγματα μηδένα τῶν ἄλλων εἰδέναι·
ἐπειδὴ δὲ Διογείτων ἃ φανερῶς ἔχων ἐξηλέγχετο,
περὶ τούτων οὐδενὶ τῶν αὐτοῦ φίλων ἐτόλμα
πείθεσθαι, ἀλλ᾿ ἐβουλήθη καὶ φεύγειν δίκας καὶ
μὴ οὔσας διώκειν καὶ ὑπομεῖναι τοὺς ἐσχάτους
κινδύνους μᾶλλον ἢ τὰ δίκαια ποιήσας ἀπηλλάχθαι
3 τῶν πρὸς τούτους ἐγκλημάτων, ὑμῶν δέομαι, ἐὰν
μὲν ἀποδείξω οὕτως αἰσχρῶς αὐτοὺς ἐπιτετροπευμένους
ὑπὸ τοῦ πάππου ὡς οὐδεὶς πώποτε ὑπὸ

XXXII. AGAINST DIOGEITON

If the matters in dispute were not important, gentlemen of the jury, I should never have allowed these persons to appear before you ; for I regard a dispute with one's relations as most disgraceful, and I know that you reprobate not merely those who are guilty of wrong, but also anyone who is unable to tolerate the sharp practice of a kinsman. But, gentlemen, since they have been robbed of a great sum of money and, after suffering numerous outrages from those who should have been the last to act in such a way, have sought refuge in me, their brother-in-law, I find it incumbent on me to speak for them. I am married to their sister, a child of Diogeiton's daughter ; and after many appeals I at first prevailed on both parties to submit the case to the arbitration of their friends, as I held it most desirable that their affairs should not be known to anyone else. But since Diogeiton would not allow himself to be advised by any of his own friends regarding the property which he was plainly convicted of holding, but preferred to be prosecuted, to sue against the validity of judgements, and to encounter the utmost risks, rather than do the just thing which would relieve him of all their complaints, I intreat you, if I prove that the guardianship of their grandfather has been conducted more disgracefully than any heretofore held in the city by

τῶν οὐδὲν προσηκόντων ἐν τῇ πόλει, βοηθεῖν
αὐτοῖς τὰ δίκαια, εἰ δὲ μή, τούτῳ μὲν ἅπαντα
πιστεύειν, ἡμᾶς δὲ εἰς τὸν λοιπὸν χρόνον ἡγεῖσθαι
[500] χείρους εἶναι. ἐξ ἀρχῆς δ' ὑμᾶς περὶ αὐτῶν
διδάξαι πειράσομαι.

4 [502] Ἀδελφοὶ ἦσαν, ὦ ἄνδρες δικασταί, Διόδοτος
καὶ Διογείτων ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ
τὴν μὲν ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανερᾶς
ἐκοινώνουν. ἐργασαμένου δὲ Διοδότου κατ' ἐμπορίαν
πολλὰ χρήματα πείθει αὐτὸν Διογείτων
λαβεῖν τὴν ἑαυτοῦ θυγατέρα, ἥπερ ἦν αὐτῷ μόνη·
5 καὶ γίγνονται αὐτῷ υἱεῖ δύο καὶ θυγάτηρ. χρόνῳ
δὲ ὕστερον καταλεγεὶς Διόδοτος [μετὰ Θρασύλλου][1]
τῶν ὁπλιτῶν, καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφιδῆν
οὖσαν, καὶ τὸν ἐκείνης μὲν πατέρα, αὑτοῦ
δὲ κηδεστὴν καὶ ἀδελφὸν [ὁμοπάτριον],[2] πάππον
δὲ τῶν παιδίων καὶ θεῖον, ἡγούμενος διὰ ταύτας
τὰς ἀναγκαιότητας οὐδενὶ μᾶλλον προσήκειν δικαίῳ
[503] περὶ τοὺς αὑτοῦ[3] παῖδας γενέσθαι, διαθήκην αὐτῷ
δίδωσι καὶ πέντε τάλαντα ἀργυρίου παρακαταθήκην·
6 ναυτικὰ δὲ ἀπέδειξεν ἐκδεδομένα ἑπτὰ
τάλαντα καὶ τετταράκοντα μνᾶς . . . ,[4] δισχιλίας
[504] δὲ ὀφειλομένας ἐν Χερρονήσῳ. ἐπέσκηψε δέ, ἐάν
τι πάθῃ, τάλαντον μὲν ἐπιδοῦναι τῇ γυναικὶ καὶ
τὰ ἐν τῷ δωματίῳ δοῦναι, τάλαντον δὲ τῇ θυγατρί.
κατέλιπε <δὲ>[5] καὶ εἴκοσι μνᾶς τῇ γυναικὶ καὶ
7 τριάκοντα στατῆρας Κυζικηνούς. ταῦτα δὲ πράξας
καὶ οἴκοι ἀντίγραφα καταλιπὼν ᾤχετο στρατευσόμενος
μετὰ Θρασύλλου. ἀποθανόντος δὲ ἐκείνου

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[1] μετὰ Θρασύλλου del. Wilamowitz.

[2] ὁμοπάτριον del. Herwerden.

persons who had no bond of relationship, to give them the support of justice: otherwise, believe this man entirely, and reprobate us henceforward. I will now try to inform you on the matter from the beginning.

Diodotus and Diogeiton, gentlemen of the jury, were brothers born of the same father and mother, and they had divided between them the personal estate, but held the real property in partnership. When Diodotus had made a large fortune in shipping business, Diogeiton induced him to marry the one daughter that he had, and two sons and a daughter were born to him. Some time later, when Diodotus was enrolled for infantry service, he summoned his wife, who was his niece, and her father, who was also his father-in-law and his brother, and grandfather and uncle of the little ones, as he felt that owing to these connexions there was nobody more bound to act justly by his children: he then gave him a will and five talents of silver in deposit; and he also produced an account of his loans on bottomry, amounting to seven talents and forty minae . . . and two thousand drachmae invested in the Chersonese.[a] He charged him, in case anything should happen to himself, to dower his wife and his daughter with a talent each, and to give his wife the contents of the room; he also bequeathed to his wife twenty minae and thirty staters of Cyzicus.[b] Having made these arrangements and left duplicate deeds in his house, he went to serve abroad with Thrasyllus. He was

[a] In Thrace. This sentence is evidently defective; see above, p. 659.
[b] See XII. 11, note, p. 231.

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[3] δικαίῳ περὶ τοὺς αὑτοῦ Sauppe: καὶ ὥσπερ τοῦ αὐτοῦ MSS.
[4] Lacunam indic. Sauppe.
[5] δὲ add. Reiske.

ἐν Ἐφέσῳ Διογείτων ⟨τέως⟩ μὲν τὴν[1] θυγατέρα
ἔκρυπτε τὸν θάνατον τοῦ ἀνδρός, καὶ τὰ γράμματα
λαμβάνει ἃ κατέλιπε σεσημασμένα, φάσκων τὰ
8 ναυτικὰ χρήματα δεῖν ἐκ τούτων τῶν γραμματείων
[505] κομίσασθαι. ἐπειδὴ δὲ χρόνῳ ἐδήλωσε τὸν θάνατον
αὐτοῖς καὶ ἐποίησαν τὰ νομιζόμενα, τὸν μὲν πρῶτον
ἐνιαυτὸν ἐν Πειραιεῖ διῃτῶντο· ἅπαντα γὰρ αὐτοῦ
κατελέλειπτο τὰ ἐπιτήδεια· ἐκείνων δὲ ἐπιλειπόντων
τοὺς μὲν παῖδας εἰς ἄστυ ἀναπέμπει,
τὴν δὲ μητέρα αὐτῶν ἐκδίδωσιν ἐπιδοὺς πεντακισχιλίας
δραχμάς, χιλίαις ἔλαττον ὧν ὁ ἀνὴρ αὐτῆς
9 ἔδωκεν. ὀγδόῳ δ᾽ ἔτει δοκιμασθέντος μετὰ ταῦτα
τοῦ πρεσβυτέρου τοῖν μειρακίοιν, καλέσας αὐτοὺς
εἶπε Διογείτων, ὅτι καταλίποι αὐτοῖς ὁ πατὴρ
εἴκοσι μνᾶς ἀργυρίου καὶ τριάκοντα στατῆρας.
"ἐγὼ οὖν πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα εἰς τὴν
ὑμετέραν τροφήν. καὶ ἕως μὲν εἶχον, οὐδέν μοι
διέφερεν· νυνὶ δὲ καὶ αὐτὸς ἀπόρως διάκειμαι. σὺ
οὖν, ἐπειδὴ δεδοκίμασαι καὶ ἀνὴρ γεγένησαι,
10 σκόπει αὐτὸς ἤδη πόθεν ἕξεις τὰ ἐπιτήδεια." ταῦτ᾽
ἀκούσαντες ἐκπεπληγμένοι καὶ δακρύοντες ᾤχοντο
[506] πρὸς τὴν μητέρα, καὶ παραλαβόντες ἐκείνην ἧκον
πρὸς ἐμέ, οἰκτρῶς ὑπὸ τοῦ πάθους διακείμενοι
καὶ ἀθλίως ἐκπεπτωκότες, κλάοντες καὶ παρακαλοῦντες
με μὴ περιιδεῖν αὐτοὺς ἀποστερηθέντας
τῶν πατρῴων μηδ᾽ εἰς πτωχείαν καταστάντας,
ὑβρισμένους ὑφ᾽ ὧν ἥκιστα ἐχρῆν, ἀλλὰ βοηθῆσαι
11 καὶ τῆς ἀδελφῆς ἕνεκα καὶ σφῶν αὐτῶν. πολλὰ

[1] τέως μὲν τὴν Wilamowitz : τὴν μὲν mss.

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[a] 409 B.C. Thrasyllus was one of the commanders who were executed after Arginusae, 406 B.C.

[b] This comprised the lying in state, the burial or cremation,

killed at Ephesus[a]: for a time Diogeiton concealed from his daughter the death of her husband, and took possession of the deeds which he had left under seal, alleging that these documents were needed for recovering the sums lent on bottomry. When at length he informed them of the death, and they had done what is customary,[b] they lived for the first year in the Peiraeus, as all their provisions had been left there. But when these began to give out, he sent up the children to the city, and gave their mother in marriage with a dowry of five thousand drachmae,—a thousand less than her husband had given her. Seven years later the elder of the boys was certified to be of age[c]; when Diogeiton summoned them, and said that their father had left them twenty minae of silver and thirty staters, adding,—"Now I have spent a great deal of my own money on your support: so long as I had the means, I did not mind; but at this moment I too am in difficulties myself. You, therefore, since you have been certified and have attained manhood, must henceforth contrive to provide for yourself." On hearing these words they went away, aghast and weeping, to their mother, and brought her along with them to me. It was pitiful to see how they suffered from the blow: the poor wretches, turned out of doors, wept aloud and besought me not to allow them to be deprived of their patrimony and reduced to beggary by the last persons who ought to have committed this outrage upon them, but to give my best aid, for their sister's sake as well as their own.

the funeral feast, sacrifices offered on the third and ninth days, and mourning with black garments and shaven heads for thirty days.

[c] In his eighteenth year: *cf.* X. 31, p. 213.

ἂν εἴη λέγειν, ὅσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν
ἐκείνῳ τῷ χρόνῳ. τελευτῶσα δὲ ἡ μήτηρ αὐτῶν
ἠντεβόλει με καὶ ἱκέτευε συναγαγεῖν αὐτῆς τὸν
πατέρα καὶ τοὺς φίλους, εἰποῦσα ὅτι, εἰ καὶ μὴ
πρότερον εἴθισται λέγειν ἐν ἀνδράσι, τὸ μέγεθος
αὐτὴν ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφετέρων
12 κακῶν δηλῶσαι πάντα πρὸς ἡμᾶς. ἐλθὼν δ᾽ ἐγὼ
ἠγανάκτουν μὲν πρὸς Ἡγήμονα τὸν ἔχοντα τὴν
τούτου θυγατέρα, λόγους δ᾽ ἐποιούμην πρὸς τοὺς
ἄλλους ἐπιτηδείους, ἠξίουν δὲ τοῦτον εἰς ἔλεγχον
ἰέναι περὶ τῶν χρημάτων.[1] Διογείτων δὲ τὸ μὲν
πρῶτον οὐκ ἤθελε, τελευτῶν δὲ ὑπὸ τῶν φίλων
[507] ἠναγκάσθη. ἐπειδὴ δὲ συνήλθομεν, ἤρετο αὐτὸν
ἡ γυνή, τίνα ποτὲ ψυχὴν ἔχων ἀξιοῖ περὶ τῶν
παίδων τοιαύτῃ γνώμῃ χρῆσθαι, “ἀδελφὸς μὲν ὢν
τοῦ πατρὸς αὐτῶν, πατὴρ δ᾽ ἐμός, θεῖος δὲ αὐτοῖς
13 καὶ πάππος. καὶ εἰ μηδένα ἀνθρώπων ᾐσχύνου,
[508] τοὺς θεοὺς ἐχρῆν σε” φησί “δεδιέναι· ὃς ἔλαβες
μέν, ὅτ᾽ ἐκεῖνος ἐξέπλει,[2] πέντε τάλαντα παρ᾽
αὐτοῦ παρακαταθήκην. καὶ περὶ τούτων ἐγὼ
ἐθέλω τοὺς παῖδας παραστησαμένη καὶ τούτους
καὶ τοὺς ὕστερον ἐμαυτῇ γενομένους ὀμόσαι ὅπου
ἂν αὐτὸς λέγῃς. καίτοι οὐχ οὕτως ἐγώ εἰμι ἀθλία,
οὐδ᾽ οὕτω περὶ πολλοῦ ποιοῦμαι χρήματα, ὥστ᾽
ἐπιορκήσασα κατὰ τῶν παίδων τῶν ἐμαυτῆς τὸν
βίον καταλιπεῖν, ἀδίκως δὲ ἀφελέσθαι τὴν τοῦ
14 πατρὸς οὐσίαν.” ἔτι τοίνυν ἐξήλεγχεν αὐτὸν ἑπτὰ
τάλαντα κεκομισμένον ναυτικὰ καὶ τετρακισχιλίας
[509] δραχμάς, καὶ τούτων τὰ γράμματα ἀπέδειξεν· ἐν

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[1] χρημάτων Halbertsma: πραγμάτων MSS.
[2] ἐξέπλει Taylor: ἐξέλιπε MSS.

Of the mourning that filled my house at that time it would take long to tell. In the end, their mother implored and entreated me to assemble her father and friends together, saying that even though she had not before been accustomed to speak in the presence of men, the severity of their misfortunes would compel her to give us a full account of their hardships. I went first and expressed my indignation to Hegemon, the husband of this man's daughter; I then discussed the matter with the other relations; and I called upon this man to allow his handling of the money to be investigated. Diogeiton at first refused, but finally he was compelled by his friends. When we held our meeting, the mother asked him what heart he could have, that he thought fit to take such measures with the children, "when you are their father's brother," she said, "and my father, and their uncle and grandfather. Even if you felt no shame before any man, you ought to have feared the gods. For you received from him, when he went on the expedition, five talents in deposit. I offer to swear to the truth of this on the lives of my children, both these and those since born to me, in any place[a] that you yourself may name. Yet I am not so abject, or so fond of money, as to take leave of life after perjuring myself on the lives of my own children, and to appropriate unjustly my father's estate." And she convicted him further of having recovered seven talents and four thousand drachmae of bottomry loans, and she produced the record of these; for she showed that in the course

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[a] *i.e.*, in some temple.

γὰρ τῇ διοικίσει, ὅτ᾽ ἐκ Κολλυτοῦ διῳκίζετο εἰς τὴν
Φαίδρου οἰκίαν, τοὺς παῖδας ἐπιτυχόντας ἐκβεβλημένῳ
15 τῷ βιβλίῳ ἐνεγκεῖν πρὸς αὐτήν.[1] ἀπέφηνε
δ᾽ αὐτὸν ἑκατὸν μνᾶς κεκομισμένον ἐγγείῳ[2] ἐπὶ
τόκῳ δεδανεισμένας, καὶ ἑτέρας δισχιλίας δραχμὰς
καὶ ἔπιπλα πολλοῦ ἄξια· φοιτᾶν δὲ καὶ σῖτον αὐτοῖς
ἐκ Χερρονήσου καθ᾽ ἕκαστον ἐνιαυτόν. "ἔπειτα
σὺ ἐτόλμησας" ἔφη "εἰπεῖν, ἔχων τοσαῦτα χρήματα,
ὡς δισχιλίας δραχμὰς ὁ τούτων πατὴρ κατέλιπε
[510] καὶ τριάκοντα στατῆρας ἅπερ ἐμοὶ καταλειφθέντα
16 ἐκείνου τελευτήσαντος ἐγώ σοι ἔδωκα; καὶ ἐκβάλλειν
τούτους ἠξίωσας θυγατριδοῦς ὄντας ἐκ
τῆς οἰκίας τῆς αὐτῶν ἐν τριβωνίοις, ἀνυποδήτους,
οὐ μετὰ ἀκολούθου, οὐ μετὰ στρωμάτων, οὐ μετὰ
ἱματίων, οὐ μετὰ τῶν ἐπίπλων ἃ ὁ πατὴρ αὐτοῖς
κατέλιπεν, οὐδὲ μετὰ τῶν παρακαταθηκῶν ἃς
17 ἐκεῖνος παρὰ σοὶ κατέθετο. καὶ νῦν τοὺς μὲν ἐκ
τῆς μητρυιᾶς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν
εὐδαίμονας ὄντας· καὶ ταῦτα μὲν καλῶς
ποιεῖς· τοὺς δ᾽ ἐμοὺς ἀδικεῖς, οὓς ἀτίμους ἐκ τῆς
οἰκίας ἐκβαλὼν ἀντὶ πλουσίων πτωχοὺς ἀποδεῖξαι
προθυμεῖ. καὶ ἐπὶ τοιούτοις ἔργοις οὔτε τοὺς
θεοὺς φοβεῖ, οὔτε ἐμὲ τὴν συνειδυῖαν αἰσχύνῃ,
οὔτε τοῦ ἀδελφοῦ μέμνησαι, ἀλλὰ πάντας ἡμᾶς
18 περὶ ἐλάττονος ποιεῖ χρημάτων." τότε μὲν οὖν,
ὦ ἄνδρες δικασταί, πολλῶν καὶ δεινῶν ὑπὸ τῆς
[511] γυναικὸς ῥηθέντων οὕτω διετέθημεν πάντες οἱ
παρόντες ὑπὸ τῶν τούτῳ πεπραγμένων καὶ τῶν

[1] αὐτὴν Reiske: ταύτην MSS.

[2] ἐγγείῳ Naber: ἐγγείους, ἐγγύους MSS.

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[a] A district to the north of the Acropolis.

of his removal from Collytus [a] to the house of Phaedrus the children had happened upon the register, which had been mislaid, and had brought it to her. She also proved that he had recovered a hundred minae which had been lent at interest on land mortgages, besides two thousand drachmae and some furniture of great value; and that corn came in to them every year from the Chersonese.[b] "After that," she said, "you had the audacity to state, when you had so much money in your possession, that their father bequeathed them two thousand drachmae and thirty staters,—just the amount that was bequeathed to me, and that I gave you after his decease! And you thought fit to turn these, the children of your daughter, out of their own house, in worn-out clothes, without shoes or attendant or bedding or cloaks; without the furniture which their father bequeathed to them, and without the money which he had deposited with you. And now you are bringing up the children you have had by my stepmother in all the comforts of affluence; and you are quite right in that: but you are wronging mine, whom you ejected from the house in dishonour, and whom you are intent on turning from persons of ample means into beggars. And over proceedings of this sort you feel neither fear of the gods nor shame before me who am cognizant of the facts, nor are you mindful of your brother, but you put money before us all." Thereupon, gentlemen of the jury, after hearing all the severe things spoken by the mother, the whole company of us there were so affected by this man's conduct and by her state-

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[b] Where evidently the 2000 drachmae invested by Diodotus (see 6) brought in an annual supply of corn as interest.

λόγων τῶν ἐκείνης, ὁρῶντες μὲν τοὺς παῖδας, οἷα ἦσαν πεπονθότες, ἀναμιμνῃσκόμενοι δὲ τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτροπον κατέλιπεν, ἐνθυμούμενοι δὲ ὡς χαλεπὸν ἐξευρεῖν ὅτῳ χρὴ περὶ τῶν ἑαυτοῦ πιστεῦσαι, ὥστε, ὦ ἄνδρες δικασταί, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι, ἀλλὰ καὶ δακρύοντας μὴ ἧττον τῶν πεπονθότων ἀπιόντας οἴχεσθαι σιωπῇ.

Πρῶτον μὲν οὖν τούτων ἀνάβητέ μοι μάρτυρες.

ΜΑΡΤΥΡΕΣ

19 [512] Ἀξιῶ τοίνυν, ὦ ἄνδρες δικασταί, τῷ λογισμῷ
προσέχειν τὸν νοῦν, ἵνα τοὺς μεν νεανίσκους διὰ
τὸ μέγεθος τῶν συμφορῶν ἐλεήσητε, τοῦτον δ'
ἅπασι τοῖς πολίταις ἄξιον ὀργῆς ἡγήσησθε. εἰς
τοσαύτην γὰρ ὑποψίαν Διογείτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίστησιν, ὥστε μήτε
ζῶντας μήτε ἀποθνῄσκοντας μηδὲν μᾶλλον τοῖς
20 οἰκειοτάτοις ἢ τοῖς ἐχθίστοις πιστεύειν· ὃς ἐτόλμησε τὰ μὲν ἔξαρνος γενέσθαι, τὰ δὲ τελευτῶν
ὁμολογήσας ἔχειν,[1] εἰς δύο παῖδας καὶ ἀδελφὴν
λῆμμα καὶ ἀνάλωμα ἐν ὀκτὼ ἔτεσιν ἑπτὰ τάλαντα
[513] ἀργυρίου καὶ ἑπτακισχιλίας δραχμὰς ἀποδεῖξαι.
καὶ εἰς τοῦτο ἦλθεν ἀναισχυντίας, ὥστε οὐκ ἔχων
ὅποι τρέψειε τὰ χρήματα, εἰς ὄψον μὲν δυοῖν
παιδίοιν καὶ ἀδελφῇ πέντε ὀβολοὺς τῆς ἡμέρας
ἐλογίζετο, εἰς ὑποδήματα δὲ καὶ εἰς γναφεῖον
[ἱμάτια][2] καὶ εἰς κουρέως κατὰ μῆνα οὐκ ἦν αὐτῷ

[1] ἔχειν Reiske: ἑλεῖν mss. [2] ἱμάτια del. Reiske.

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[a] At this period the daily cost of food for an adult could

ments,—when we saw how the children had been treated, and recalled the dead man to mind and how unworthy was the guardian he had left in charge of his estate, and reflected how hard it is to find a person who can be trusted with one's affairs,—that nobody, gentlemen, among us there was able to utter a word : we could only weep as sadly as the sufferers, and go our ways in silence.

Now, first, will you come forward, witnesses, to support what I say.

WITNESSES

Well, gentlemen of the jury, I ask that due attention be given to this reckoning, in order that you may take pity on the young people for the depth of their misfortune, and may consider that this man deserves the anger of everyone in the city. For Diogeiton is reducing all men to such a state of suspicion towards their fellows that neither living nor dying can they place any more confidence in their nearest relations than in their bitterest enemies; since he has had the face to deny one part of his debt and, after finally confessing to the rest, to make out a sum of seven talents of silver and seven thousand drachmae as receipts and expenses on account of two boys and their sister during eight years. So gross is his impudence that, not knowing how he should enter the sums spent, he reckoned for the viands of the two young boys and their sister five obols a day [a]; for shoes, laundry and hairdressing he

be reckoned at one obol : in the present case, for the food (other than cereal) of three children, the charge of five obols is at least twice what it should be. A more reasonable scale is suggested by the speaker at 28 below.

οὐδὲ κατ᾽ ἐνιαυτὸν γεγραμμένα, συλλήβδην δὲ
παντὸς τοῦ χρόνου πλεῖν ἢ τάλαντον ἀργυρίου.
21 εἰς δὲ τὸ μνῆμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε
καὶ εἴκοσι μνᾶς ἐκ πεντακισχιλίων δραχμῶν, τὸ
μὲν ἥμισυ αὐτῷ τίθησι, <τὸ δὲ> τούτοις λελόγισται.[1]
εἰς Διονύσια τοίνυν, ὦ ἄνδρες δικασταί, (οὐκ
ἄτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μνησθῆναι)
ἑκκαίδεκα δραχμῶν ἀπέφηνεν ἐωνημένον ἀρνίον,
καὶ τούτων τὰς ὀκτὼ δραχμὰς ἐλογίζετο τοῖς
παισίν· ἐφ᾽ ᾧ ἡμεῖς οὐχ ἥκιστα ὠργίσθημεν.
[514] οὕτως, ὦ ἄνδρες, ἐν ταῖς μεγάλαις ζημίαις ἐνίοτε
οὐχ ἧττον τὰ μικρὰ λυπεῖ τοὺς ἀδικουμένους· λίαν
γὰρ φανερὰν τὴν πονηρίαν τῶν ἀδικούντων ἐπιδείκνυσιν.
22 εἰς τοίνυν τὰς ἄλλας ἑορτὰς καὶ θυσίας
ἐλογίσατο αὐτοῖς πλεῖν ἢ τετρακισχιλίας δραχμὰς
ἀνηλωμένας, ἕτερά τε παμπληθῆ, ἃ πρὸς τὸ κεφάλαιον
συνελογίζετο, ὥσπερ διὰ τοῦτο ἐπίτροπος
τῶν παιδίων καταλειφθείς, ἵνα γράμματα αὐτοῖς
ἀντὶ τῶν χρημάτων ἀποδείξειεν καὶ πενεστάτους
ἀντὶ πλουσίων ἀποφήνειε, καὶ ἵνα, εἰ μέν τις αὐτοῖς
πατρικὸς ἐχθρὸς ἦν, ἐκείνου μὲν ἐπιλάθωνται, τῷ δ᾽
ἐπιτρόπῳ[2] τῶν πατρῴων ἀπεστερημένοι πολεμῶσι.
23 καίτοι εἰ ἐβούλετο δίκαιος εἶναι περὶ τοὺς παῖδας,
ἐξῆν αὐτῷ κατὰ τοὺς νόμους, οἳ κεῖνται περὶ τῶν
ὀρφανῶν καὶ τοῖς ἀδυνάτοις τῶν ἐπιτρόπων καὶ
τοῖς δυναμένοις, μισθῶσαι τὸν οἶκον ἀπηλλαγμένον

[1] *αὐτῷ τίθησι τὸ δὲ τούτοις λελόγισται* Reiske: *αὐτῶν τίθησι τούτοις λελογίσθαι, λελόγισθαι* MSS.

[2] *τῷ δ᾽ ἐπιτρόπῳ* Frohberger: *τῷ δ᾽ ἐπὶ, τὸν δ᾽ ἐπὶ, ἐπεὶ* MSS.

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[a] Having stated that the tomb cost 50 minae (5000 drachmae), he undertook to pay half of this himself, and

kept no monthly or yearly account, but he shows it inclusively, for the whole period, as more than a talent of silver. For the father's tomb, though he did not spend twenty-five minae of the five thousand drachmae shown, he charges half this sum to himself, and has entered half against them.[a] Then for the Dionysia,[b] gentlemen of the jury,—I do not think it irrelevant to mention this also,—he showed sixteen drachmae as the price of a lamb, and charged eight of these drachmae to the children : this entry especially roused our anger.[c] And so it is, gentlemen : in the midst of heavy losses the sufferers of wrong are sometimes wounded as much by little things ; for these expose in so very clear a light the wickedness of the wrongdoer. Then for the other festivals and sacrifices he charged to their account an expenditure of more than four thousand drachmae ; and he added a multitude of things which he counted in to make up his total, as though he had been named in the will as guardian of the children merely in order that he might show them accounts instead of money, and reduce them from wealth to utter poverty, and that they might forget whatever ancestral enemy they might have to wage war on their guardian for stripping them of their patrimony ! But yet, had he wished to act justly by the children, he was free to act in accordance with the laws which deal with orphans for the guidance of incapable as well as capable guardians : he might have farmed out the

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charge the other half to the children's estate : but this latter half covered the actual cost.

[b] Orphans' estates were not required to contribute to the offerings at the State festivals.

[c] Here again the actual cost was probably no more than the half-share charged to the children.

πολλῶν πραγμάτων, ἢ γῆν πριάμενον ἐκ τῶν
[515] προσιόντων τοὺς παῖδας τρέφειν· καὶ ὁπότερα
τούτων ἐποίησεν, οὐδενὸς ἂν ἧττον Ἀθηναίων
πλούσιοι ἦσαν. νῦν δέ μοι δοκεῖ οὐδεπώποτε
διανοηθῆναι ὡς φανερὰν καταστήσων τὴν οὐσίαν,
ἀλλ' ὡς αὐτὸς ἕξων τὰ τούτων, ἡγούμενος δεῖν
τὴν αὑτοῦ πονηρίαν κληρονόμον εἶναι τῶν τοῦ
24 τεθνεῶτος χρημάτων. ὃ δὲ πάντων δεινότατον,
ὦ <ἄνδρες>[1] δικασταί· οὗτος γὰρ συντριηραρχῶν
Ἀλέξιδι τῷ Ἀριστοδίκου, φάσκων δυοῖν δεούσας
πεντήκοντα μνᾶς ἐκείνῳ συμβαλέσθαι, τὸ ἥμισυ
τούτοις[2] ὀρφανοῖς οὖσι λελόγισται, οὓς ἡ πόλις
οὐ μόνον παῖδας ὄντας ἀτελεῖς ἐποίησεν, ἀλλὰ καὶ
ἐπειδὰν δοκιμασθῶσιν ἐνιαυτὸν ἀφῆκεν ἁπασῶν
τῶν λῃτουργιῶν. οὗτος δὲ πάππος ὢν παρὰ τοὺς
νόμους τῆς ἑαυτοῦ τριηραρχίας παρὰ τῶν θυγατριδῶν
25 τὸ ἥμισυ πράττεται. καὶ ἀποπέμψας εἰς
τὸν Ἀδρίαν ὁλκάδα δυοῖν ταλάντοιν, ὅτε μὲν
ἀπέστελλεν, ἔλεγε πρὸς τὴν μητέρα αὐτῶν ὅτι
[516] τῶν παίδων ὁ κίνδυνος εἴη, ἐπειδὴ δὲ ἐσώθη καὶ
ἐδιπλασίασεν, αὑτοῦ τὴν ἐμπορίαν ἔφασκεν εἶναι.
καίτοι εἰ μὲν τὰς ζημίας τούτων ἀποδείξει, τὰ
δὲ σωθέντα τῶν χρημάτων αὐτὸς ἕξει, ὅποι μὲν
ἀνήλωται τὰ χρήματα, οὐ χαλεπῶς εἰς τὸν λόγον
ἐγγράψει, ῥᾳδίως δὲ ἐκ τῶν ἀλλοτρίων αὐτὸς
26 πλουτήσει. καθ' ἕκαστον μὲν οὖν, ὦ <ἄνδρες>[1]
δικασταί, πολὺ ἂν ἔργον εἴη πρὸς ὑμᾶς λογίζεσθαι·

[1] ἄνδρες add. Herwerden.

[2] τούτοις Dobree: τούτων, τούτων τοῖς mss.

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[a] It was unlawful for a guardian to venture a ward's money in bottomry, and the Adriatic was notoriously perilous for navigation.

estate and so got rid of a load of cares, or have purchased land and used the income for the children's support; whichever course he had taken, they would have been as rich as anyone in Athens. But the fact is, in my opinion, that at no time has he had any notion of turning their fortune into real estate, but has meant to keep their property for himself, assuming that his own wickedness ought to be heir of the wealth of the deceased. Most monstrous of all, gentlemen of the jury, he asserts that in sharing with Alexis, son of Aristodicus, the service of equipping a warship, he paid a contribution of forty-eight minae, and has entered half of this against these orphan children, whom the State has not only exempted during their childhood, but has freed from all public services for a year after they have been certified to be of age. Yet he, their grandfather, illegally exacts from his daughter's children one half of his expenses in equipping a warship! Again, he dispatched to the Adriatic a cargo of two talents' value, and told their mother, at the moment of its sailing, that it was at the risk of the children[a]; but when it went safely through and the value was doubled,[b] he declared that the venture was his. But if he is to lay the losses to their charge, and keep the successful gains for himself, he will have no difficulty in making the account show on what the money has been spent, while he will find it easy to enrich himself from the money of others. To set the reckoning before you in detail, gentlemen of the jury, would be a lengthy affair; but when with

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[b] Hume (Essay on the Populousness of Ancient Nations) has remarked on the fact that a profit of 100 per cent on such a venture does not seem to have been thought extroardinary.

ἐπειδὴ δὲ μόλις παρ' αὐτοῦ παρέλαβον τὰ γράμματα,
μάρτυρας ἔχων ἠρώτων Ἀριστόδικον τὸν
ἀδελφὸν τὸν Ἀλέξιδος (αὐτὸς γὰρ ἐτύγχανε τετελευτηκώς),
εἰ ὁ λόγος αὐτῷ εἴη ‹ὁ›[1] τῆς τριηραρχίας·
ὁ δὲ ἔφασκεν εἶναι, καὶ ἐλθόντες οἴκαδε
ηὕρομεν Διογείτονα τέτταρας καὶ εἴκοσι μνᾶς
27 ἐκείνῳ συμβεβλημένον εἰς τὴν τριηραρχίαν. οὗτος
δὲ ἀπέδειξε δυοῖν δεούσας πεντήκοντα μνᾶς ἀνηλωκέναι,
ὥστε τούτοις λελογίσθαι ὅσονπερ ὅλον
[517] τὸ ἀνάλωμα αὐτῷ γεγένηται. καίτοι τί αὐτὸν οἴεσθε
πεποιηκέναι περὶ ὧν οὐδεὶς αὐτῷ σύνοιδεν ἀλλ'
αὐτὸς μόνος διεχείριζεν, ὃς ἃ δι' ἑτέρων ἐπράχθη
καὶ οὐ χαλεπὸν ἦν περὶ τούτων πυθέσθαι, ἐτόλμησε
ψευσάμενος τέτταρσι καὶ εἴκοσι μναῖς τοὺς αὐτοῦ
θυγατριδοῦς ζημιῶσαι; καί μοι ἀνάβητε τούτων
μάρτυρες.

ΜΑΡΤΥΡΕΣ

28 Τῶν μὲν μαρτύρων ἀκηκόατε, ὦ ‹ἄνδρες›[2]
δικασταί· ἐγὼ δ' ὅσα τελευτῶν ὡμολόγησεν ἔχειν
αὐτὸς χρήματα, ἑπτὰ τάλαντα καὶ τετταράκοντα
μνᾶς, ἐκ τούτων αὐτῷ λογιοῦμαι, πρόσοδον μὲν
οὐδεμίαν ἀποφαίνων, ἀπὸ δὲ τῶν ὑπαρχόντων
ἀναλίσκων, καὶ θήσω ὅσον οὐδεὶς πώποτ' ἐν τῇ
πόλει, εἰς δύο παῖδας καὶ ἀδελφὴν καὶ παιδαγωγὸν
καὶ θεράπαιναν χιλίας δραχμὰς ἑκάστου ἐνιαυτοῦ,
29 μικρῷ ἔλαττον ἢ τρεῖς δραχμὰς τῆς ἡμέρας· ἐν
ὀκτὼ αὗται ἔτεσι γίγνονται ὀκτακισχίλιαι δραχμαί,

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[1] ὁ add. Herwerden.

[2] ἄνδρες add. Herwerden.

some trouble I had got him to hand over the balance-sheet, in the presence of witnesses I asked Aristodicus, brother of Alexis,—the latter being now dead,—whether he had the account for the equipment of a warship. He told me that he had, and we went to his house and found that Diogeiton had paid Alexis a contribution of twenty-four minae towards equipping the warship. But the expenditure that he showed was forty-eight minae, so that the children have been charged exactly the total of what he has spent.[a] Now, what do you suppose he has done in cases of which nobody else has had cognizance, and where he managed the business alone, when in those which were conducted through others and of which information could easily be obtained he did not shrink from falsehood in mulcting his own daughter's children to an amount of twenty-four minae? Please come forward, witnesses, in support of this.

WITNESSES

You have heard the witnesses, gentlemen of the jury. I will now base my reckoning against him on the sum which he did eventually confess to holding,—seven talents and forty minae: not counting in any income, I will put down, as spent out of capital, a larger amount than anyone in the city has ever spent,—for two boys and their sister, an attendant and a maid, a thousand drachmae a year, a little less than three drachmae a day.[b] For eight years, that

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[a] Again the whole of his actual contribution (24 minae) has been charged to the children's estate, as a half-share of an exaggerated total.

[b] *Cf.* a similar estimate in Demosthenes, *Against Aphobus*, I. 36.

[518] καὶ ἀποδείκνυται ἓξ τάλαντα περιόντα [τῶν ἑπτὰ ταλάντων][1] καὶ εἴκοσι μναῖ. οὐ γὰρ ἂν δύναιτο ἀποδεῖξαι οὔθ᾽ ὑπὸ λῃστῶν ἀπολωλεκὼς οὔτε ζημίαν εἰληφὼς οὔτε χρήσταις ἀποδεδωκώς . . .

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[1] τῶν ἑπτὰ ταλάντων del. Markland.

amounts to eight thousand drachmae; and we are left with a balance of six talents and twenty minae. For he will not be able to show that he has either had losses by pirates, or met with failure or paid off debts . . .

XXXIII. OLYMPIC ORATION

INTRODUCTION

Dionysius of Halicarnassus [a] quotes this first portion of a speech to show the powers of Lysias in the " epideictic " or " exhibition " style. He gives the following summary :—

" Among his works is a ' panegyric ' (or festival) speech, in which he urges the Greeks, assembled for the Olympic festival, to dethrone Dionysius the despot and liberate Sicily, and to begin hostilities there and then by pillaging the despot's tent, which was adorned with gold and purple and other riches in plenty. For Dionysius had sent special envoys [b] to the festival with a sacrifice to offer to the god, and the envoys' lodging in the precincts was on such a magnificent and costly scale as to advance the despot in the admiration of Greece. Such is the purport of the speech ; he begins his composition as follows."

Our good fortune in having the piece preserved by Dionysius is increased by the details which Diodorus Siculus [c] has given in his account of the occasion, which he fixes in the first year of the 98th Olympiad (388 B.C.), a year before the Corinthian War was ended by the Peace of Antalcidas (387–386). Dionysius of Syracuse sent his brother Thearides with a splendid deputation to perform a sacrifice on his behalf: they had gold-embroidered tents to house them in the sacred precinct, a four-horse chariot to compete in the races, and professional reciters to deliver poems composed by the despot himself. Intended to impress the assembled Greeks with his wealth and power, this brilliant demonstration was met by a direct and forcible appeal from Lysias for united action against the two great oppressors of Greece,—Dionysius, "tyrant" of Syracuse, and Artaxerxes, king of Persia. In the latter part of his speech, which has not survived, he seems to have called upon the assembly, now wrought up to a high pitch of indignation, to strip the prince's tent of its golden and other ornaments. This sacrilegious violence was prevented, and indeed it does not appear that Lysias's eloquence resulted in any practical union of the Greek cities: but it did help to create a general feeling of aversion for Sparta's policy of aiding and abetting the foreign enemies of Greece.

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[a] *De Lysia*, 29-30.

[b] See note on VI. *Against Andocides*, 5, p. 119.

[c] xiv. 105.

Since 405 B.C. Dionysius had reigned with absolute power at Syracuse. In 398–397 and 392 he had fought the Carthaginians and had succeeded in driving them into the western corner of the island and establishing his own rule over all the rest: in 389–387 he was asserting his authority in the south of Italy. In 387 he sent twenty warships to aid the Spartan Antalcidas in dealing the stroke at the Hellespont which induced Athens to accept "the King's Peace." His arbitrary power and his drastic methods of increasing it were odious to Greek democracy, and there was good reason to suspect him of combining with Artaxerxes in a scheme for subduing the whole of Greece. It is on these feelings of hate and fear that Lysias relies for the success of his appeal in support of liberty. After a pious reference to Heracles, as the founder of the Olympic festival, he tells the assembly that he proposes, not to join in the usual contest of rhetorical skill, but to speak frankly to the Greeks of their sorry plight and their bounden duty (1-6). He then makes a vigorous attack on the policy of Sparta, while praising Sparta herself for her stalwart valour and conservative principles, and expressing the hope that she will lead the Greeks to victory over their oppressors. Debarred at Athens, as a resident alien, from public speech, he seizes the opportunity allowed him at Olympia of arousing hostility against the unscrupulous master of his native city, Syracuse, and of his Sicilian compatriots. As if to mark the sudden boldness of his attempt, the plain directness of his manner stands in striking contrast to the elaborate style employed by Gorgias in the same place some years before (408 B.C.) and by Isocrates later (380 B.C.). As a rule, according to Dionysius of Halicarnassus,[a] Lysias was inclined to be languid and insufficiently stirring in his show-pieces, as compared with Isocrates. Here, however, his effort is specially sustained by his personal feeling and a practical purpose.

The date given by Diodorus Siculus, 388 B.C., has been disputed by Grote, Freeman and other authorities, who think it unlikely that such compliments could have been paid to Sparta when Athens, Corinth and Thebes were at war with her, and that the feeling expressed against Persia as the oppressor of some

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[a] *De Lysia*, 28.

Greek cities is more intelligible after the King's Peace, which made the Asiatic Greeks subject to Persia. It has been proposed, therefore, to place the speech in 384 B.C., the first year of the next Olympiad. But in 6 we have a probable reference to the Corinthian War as still proceeding, which strengthens the presumption that the date given by Diodorus (388) is correct.

[520] XXXIII. ΟΛΥΜΠΙΑΚΟΣ

1 Ἄλλων τε πολλῶν καὶ καλῶν ἔργων ἕνεκα, ὦ
ἄνδρες, ἄξιον Ἡρακλέους μεμνῆσθαι, καὶ ὅτι
τόνδε τὸν ἀγῶνα πρῶτος συνήγειρε δι᾽ εὔνοιαν τῆς
Ἑλλάδος. ἐν μὲν γὰρ τῷ τέως χρόνῳ ἀλλοτρίως
2 αἱ πόλεις πρὸς ἀλλήλας διέκειντο· ἐπειδὴ δὲ
ἐκεῖνος τοὺς τυράννους ἔπαυσε καὶ τοὺς ὑβρίζοντας
ἐκώλυσεν, ἀγῶνα μὲν σωμάτων ἐποίησε, φιλοτιμίαν
<δὲ>[1] πλούτου, γνώμης δ᾽ ἐπίδειξιν ἐν τῷ
καλλίστῳ τῆς Ἑλλάδος, ἵνα τούτων ἁπάντων
ἕνεκα εἰς τὸ αὐτὸ συνέλθωμεν, τὰ μὲν ὀψόμενοι, τὰ
δ᾽ ἀκουσόμενοι· ἡγήσατο γὰρ τὸν ἐνθάδε σύλλογον
[521] ἀρχὴν γενήσεσθαι[2] τοῖς Ἕλλησι τῆς πρὸς ἀλλήλους
3 φιλίας. ἐκεῖνος μὲν οὖν ταῦθ᾽ ὑφηγήσατο, ἐγὼ δὲ
ἥκω οὐ μικρολογησόμενος οὐδὲ περὶ τῶν ὀνομάτων
μαχούμενος. ἡγοῦμαι γὰρ ταῦτα ἔργα μὲν
εἶναι σοφιστῶν[3] λίαν ἀχρήστων[4] καὶ σφόδρα βίου
δεομένων, ἀνδρὸς δὲ ἀγαθοῦ καὶ πολίτου πολλοῦ
ἀξίου περὶ τῶν μεγίστων συμβουλεύειν, ὁρῶν
οὕτως αἰσχρῶς διακειμένην τὴν Ἑλλάδα, καὶ
πολλὰ μὲν αὐτῆς ὄντα ὑπὸ τῷ βαρβάρῳ, πολλὰς
δὲ πόλεις ὑπὸ τυράννων ἀναστάτους γεγενημένας.
4 καὶ ταῦτα εἰ μὲν δι᾽ ἀσθένειαν ἐπάσχομεν, στέργειν

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[1] δὲ add. Aldus.

[2] γενήσεσθαι Markland: γενέσθαι MSS.

XXXIII. OLYMPIC ORATION

Among many noble feats, gentlemen, for which it is right to remember Heracles, we ought to recall the fact that he was the first, in his affection for the Greeks, to convene this contest. For previously the cities regarded each other as strangers. But he, when he had crushed despotism and arrested outrage, founded a contest of bodily strength, a challenge of wealth, and a display of intelligence in the fairest part of Greece, that we might meet together for all these enjoyments alike of our eyes and of our ears, because he judged that our assembly here would be a beginning of mutual amity amongst the Greeks. The project of it, then, was his ; and so I have not come here to talk trivialities or to wrangle over words : I take that to be the business of utterly futile professors in straits for a livelihood ; but I think it behoves a man of principle and civic worth to be giving his counsel on the weightiest questions, when I see Greece in this shameful plight, with many parts of her held subject by the foreigner, and many of her cities ravaged by despots.[a] Now if these afflictions were due to weakness, it would be necessary to

[a] *Cf.* II., *Funeral Oration*, 59, pp. 58-59.

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[3] σοφιστῶν Markland: σοφὰ τῶν, σοφῶν τῶν MSS.

[4] ἀχρήστων Markland: χρηστῶν MSS.

ἂν ἦν ἀνάγκη τὴν τύχην· ἐπειδὴ δὲ διὰ στάσιν
[522] καὶ τὴν πρὸς ἀλλήλους φιλονικίαν, πῶς οὐκ ἄξιον
τῶν μὲν παύσασθαι τὰ δὲ κωλῦσαι, εἰδότας ὅτι
φιλονικεῖν μέν ἐστιν εὖ πραττόντων, γνῶναι δὲ
5 τὰ βέλτιστα τῶν οἵων ἡμῶν[1]; ὁρῶμεν γὰρ τοὺς
κινδύνους καὶ μεγάλους καὶ πανταχόθεν περιεστηκότας·
ἐπίστασθε δὲ ὅτι ἡ μὲν ἀρχὴ τῶν
κρατούντων τῆς θαλάττης, τῶν δὲ χρημάτων βασιλεὺς
ταμίας, τὰ δὲ τῶν Ἑλλήνων σώματα τῶν
δαπανᾶσθαι δυναμένων, ναῦς δὲ πολλὰς <μὲν>[2]
αὐτὸς κέκτηται, πολλὰς δ’ ὁ τύραννος τῆς Σικελίας.
6 ὥστε ἄξιον τὸν μὲν πρὸς ἀλλήλους πόλεμον
καταθέσθαι, τῇ δ’ αὐτῇ γνώμῃ χρωμένους τῆς
σωτηρίας ἀντέχεσθαι, καὶ περὶ μὲν τῶν παρεληλυθότων
αἰσχύνεσθαι, περὶ δὲ τῶν μελλόντων
ἔσεσθαι δεδιέναι, καὶ πρὸς τοὺς προγόνους ἁμιλλᾶσθαι,[3]
[523] οἳ τοὺς μὲν βαρβάρους ἐποίησαν τῆς
ἀλλοτρίας ἐπιθυμοῦντας τῆς σφετέρας αὐτῶν
στερεῖσθαι, τοὺς δὲ τυράννους ἐξελάσαντες κοινὴν
7 ἅπασι τὴν ἐλευθερίαν κατέστησαν. θαυμάζω δὲ
Λακεδαιμονίους πάντων μάλιστα, τίνι ποτὲ γνώμῃ
χρώμενοι[4] καομένην τὴν Ἑλλάδα περιορῶσιν,
ἡγεμόνες ὄντες τῶν Ἑλλήνων οὐκ ἀδίκως, καὶ διὰ
τὴν ἔμφυτον ἀρετὴν καὶ διὰ τὴν πρὸς τὸν πόλεμον
ἐπιστήμην, μόνοι δὲ οἰκοῦντες ἀπόρθητοι καὶ
[524] ἀτείχιστοι καὶ ἀστασίαστοι καὶ ἀήττητοι καὶ
τρόποις[5] ἀεὶ τοῖς αὐτοῖς χρώμενοι· ὧν ἕνεκα ἐλπὶς
ἀθάνατον τὴν ἐλευθερίαν αὐτοὺς κεκτῆσθαι, καὶ ἐν
τοῖς παρεληλυθόσι κινδύνοις σωτῆρας γενομένους
τῆς Ἑλλάδος περὶ τῶν μελλόντων προορᾶσθαι.

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[1] *οἵων ἡμῶν* Thalheim: *αὐτῶν* MSS.

[2] *μὲν* add. Reiske.

acquiesce in our fate: but since they are due to faction and mutual rivalry, surely we ought to desist from the one and arrest the other, knowing that, if rivalry befits the prosperous, the most prudent views befit people in a position like ours. For we see both the gravity of our dangers and their imminence on every side: you are aware that empire is for those who command the sea, that the King[a] has control of the money, that the Greeks are in thrall to those who are able to spend it, that our master possesses many ships, and that the despot of Sicily[b] has many also. We ought therefore to relinquish our mutual warfare, and with a single purpose in our hearts to secure our salvation; to feel shame for past events and fear for those that lie in the future, and to compete with our ancestors, by whom the foreigner, in grasping at the land of others, was deprived of his own, and who expelled the despots and established freedom for all in common. But I wonder at the Lacedaemonians most of all: what can be their policy in tolerating the devastation of Greece, when they are leaders of the Greeks by the just claims alike of their inborn valour and their martial science, and when they alone have their dwelling-places unravaged though unwalled and, strangers to faction and defeat, observe always the same rules of life? Wherefore it may be expected that the liberty they possess will never die, and that having achieved the salvation of Greece in her past dangers they are providing

[a] Artaxerxes II., who reigned 405–362 B.C.
[b] Dionysius I. of Syracuse, who reigned 405–367 B.C.

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[3] ἁμιλλᾶσθαι Radermacher: *μιμεῖσθαι* MSS.
[4] *χρώμενοι* Aldus: *χρωμένους* MSS.
[5] *τρόποις* Markland: *τόποις* MSS.

8 οὐ τοίνυν ὁ ἐπιὼν καιρὸς τοῦ παρόντος βελτίων·
[525] οὐ γὰρ ἀλλοτρίας δεῖ τὰς τῶν ἀπολωλότων συμφορὰς
νομίζειν ἀλλ' οἰκείας, οὐδ' ἀναμεῖναι, ἕως
ἂν ἐπ' αὐτοὺς ἡμᾶς αἱ δυνάμεις ἀμφοτέρων ἔλθωσιν,
ἀλλ' ἕως ἔτι ἔξεστι, τὴν τούτων ὕβριν
9 κωλῦσαι. τίς γὰρ οὐκ ἂν <ἀγανακτήσει>εν ὁρῶν[1]
ἐν τῷ πρὸς ἀλλήλους πολέμῳ μεγάλους αὐτοὺς
γεγενημένους; ὧν οὐ μόνον αἰσχρῶν ὄντων ἀλλὰ
καὶ δεινῶν, τοῖς μὲν μεγάλα ἡμαρτηκόσιν ἐξουσία
γεγένηται τῶν πεπραγμένων, τοῖς δὲ Ἕλλησιν
οὐδεμία αὐτῶν τιμωρία . . .

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[1] ἀγανακτήσειεν ὁρῶν Baiter: ἐνορῶν mss.

against those that are to come. Now the future will bring no better opportunity than the present. We ought to view the disasters of those who have been crushed, not as the concern of others, but as our own : let us not wait for the forces of both our foes to advance upon ourselves, but while there is yet time let us arrest their outrage. For who would not be mortified to see how they have grown strong through our mutual warfare ? Those incidents, no less awful than disgraceful, have empowered our dire oppressors to do what they have done, and have hindered the Greeks from taking vengeance for their wrongs . . .

XXXIV. AGAINST THE SUBVERSION OF THE ANCESTRAL CONSTITUTION OF ATHENS

INTRODUCTION

This portion of a speech is quoted by Dionysius of Halicarnassus as a good specimen of Lysias's deliberative style, and he introduces it with the following summary :

" The people had returned from the Peiraeus and voted for reconciliation with the party of the town and for an amnesty in regard to all that had passed ; but there was a fear lest the populace might repeat their outrages on the affluent class through the recovery of their ancient liberties, and this point was much debated. Phormisius, one of those who had returned along with the people, introduced a resolution that, while the exiles might return,[a] the citizenship should be bestowed only on those of them who possessed land : the Lacedaemonians were also in favour of the measure. The passing of this decree would have meant the exclusion of about five thousand Athenians from civic rights ; and, to prevent this, Lysias wrote the following speech for some man of distinction and political standing. Whether indeed it was delivered at the time is uncertain ; its composition is at all events adapted to actual debate."

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[a] *i.e.*, the citizens banished by the Thirty must, for the most part, be content with their restoration.

The occasion, then, is evidently in the autumn of 403 B.C., when the iniquitous rule of the Thirty had been ended by the courageous energy of the democrats, and a settlement agreeable to all the citizens except the Thirty and their most active supporters was being arranged. A general amnesty was agreed on and, as we have noted in the speech *Against Nicomachus*,[a] the ancient laws of Athens were being revised and properly codified. At this moment a proposal was made by Phormisius that the possession of civic rights should be confined to those who had landed property. This man, like Theramenes and Socrates, belonged to the intermediate group who were opposed to extremists of either kind and favoured a limited democracy ; but he had been prudent or fortunate enough to preserve both his life and his wealth, and had supported the democrats in the Peiraeus. The oligarchical tendency of his proposal shows that there must have been a fairly widespread feeling against absolute democracy ; but it was defeated, and the character of the opposition is well illustrated by this speech which Lysias composed for a citizen of good family, ample means, and a sound sense of the practical advantages of granting to all citizens alike a voice and an interest in the affairs of the State. Though Sparta was understood to favour the proposal of Phormisius, he gives reasons for thinking that she will not venture to support it by force (6-9).

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[a] XXX. and Introduction, pp. 610 ff.

Dionysius, while expressing a doubt as to the actual delivery of the speech, points out that its style—which is plain and vigorous rather than carefully polished—shows that it was designed for use in a real debate. Perhaps Phormisius's proposal was so ill received that no formal opposition was necessary, and the undelivered speech was circulated as an eloquent expression of the popular feeling. It appears from 4 that the discussion took place at an Assembly which was limited to citizens of a certain wealth: fortunately for the peace and welfare of Athens, this Assembly could acknowledge the claims of ordinary men who had helped to expel the despots, and it rejected the unworthy proposal of Phormisius.

XXXIV. ΠΕΡΙ ΤΟΥ ΜΗ ΚΑΤΑΛΥΣΑΙ ΤΗΝ ΠΑΤΡΙΟΝ ΠΟΛΙΤΕΙΑΝ ΑΘΗΝΗΣΙ

1 Ὅτε ἐνομίζομεν, ὦ Ἀθηναῖοι, τὰς γεγενημένας
[527] συμφορὰς ἱκανὰ μνημεῖα τῇ πόλει καταλελεῖφθαι,
ὥστε μηδ᾽ ἂν τοὺς ἐπιγιγνομένους ἑτέρας πολιτείας
ἐπιθυμεῖν, τότε δὴ οὗτοι τοὺς κακῶς πεπονθότας
καὶ ἀμφοτέρων πεπειραμένους ἐξαπατῆσαι ζητοῦσι
τοῖς αὐτοῖς ψηφίσμασιν, οἷσπερ καὶ πρότερον δὶς
2 ἤδη.[1] καὶ τούτων μὲν οὐ θαυμάζω, ὑμῶν δὲ τῶν
ἀκροωμένων, ὅτι πάντων ἐστὲ[2] ἐπιλησμονέστατοι
ἢ πάσχειν ἑτοιμότατοι κακῶς ὑπὸ τοιούτων ἀνδρῶν,
οἳ τῇ μὲν τύχῃ τῶν Πειραιοῖ πραγμάτων μετέσχον,
τῇ δὲ γνώμῃ τῶν ἐξ ἄστεως. καίτοι τί ἔδει
φεύγοντας κατελθεῖν, εἰ χειροτονοῦντες ὑμᾶς αὐτοὺς
3 καταδουλώσεσθε; ἐγὼ μὲν οὖν, ὦ Ἀθηναῖοι,
[528] ‹οὔτε οὐσίᾳ›[3] οὔτε γένει ἀπελαυνόμενος, ἀλλ᾽
ἀμφότερα τῶν ἀντιλεγόντων πρότερος ὤν, ἡγοῦμαι
ταύτην μόνην σωτηρίαν εἶναι τῇ πόλει, ἅπασιν
Ἀθηναίοις τῆς πολιτείας μετεῖναι, ἐπεὶ ὅτε καὶ
τὰ τείχη καὶ τὰς ναῦς καὶ [τὰ][4] χρήματα καὶ συμμάχους
[529] ἐκτησάμεθα, οὐχ ὅπως τινὰ Ἀθηναῖον[5] ἀπ-

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[1] δὶς ἤδη Dobree: διὸ δὴ mss.

[2] ἐστὲ Taylor: εἰσὶν mss.

[3] οὔτε οὐσίᾳ add. Sauppe.

[4] τὰ del. Usener.

[5] ὅπως Stephanus, τινὰ Ἀθηναῖον Radermacher: οὕτως ἵνα Ἀθηναῖον, Ἀθηναίων, Ἀθηναῖόν τινα mss.

XXXIV. AGAINST THE SUBVERSION OF THE ANCESTRAL CONSTITUTION OF ATHENS

At the very moment when we were supposing, men of Athens, that the disasters that have befallen her have left behind them sufficient reminders to the city to prevent even our descendants from desiring a change of constitution, these men are seeking to deceive us, after our grievous sufferings and our experience of both systems, with the selfsame decrees with which they have tricked us twice before. It is not at them that I wonder, but at you who listen to them, for being the most forgetful of mankind, or the readiest to suffer injury from such men as these ; who shared by mere chance in the operations at the Peiraeus, but whose feelings were with the party of the town. What, I ask, was the object of returning from your exile, if by your votes you are to enslave yourselves ? Now I, men of Athens, am not debarred on account either of means or of birth, but in both respects have the advantage of my opponents ; and I consider that the only deliverance for the city is to let all Athenians share the citizenship. For when we possessed our walls, our ships, and money and allies, far from proposing to exclude any Athenian,

ώσομεν[1] διενοούμεθα, ἀλλὰ καὶ Εὐβοεῦσιν ἐπιγαμίαν
ἐποιούμεθα· νῦν δὲ καὶ τοὺς ὑπάρχοντας πολίτας
4 ἀπελῶμεν; οὔκ, ἐὰν ἔμοιγε πίθησθε,[2] οὐδὲ μετὰ
τῶν τειχῶν καὶ ταῦτα ἡμῶν αὐτῶν περιαιρησόμεθα,
ὁπλίτας πολλοὺς καὶ ἱππέας καὶ τοξότας, ὧν ὑμεῖς
ἀντεχόμενοι βεβαίως δημοκρατήσεσθε, τῶν δὲ
ἐχθρῶν πλέον ἐπικρατήσετε, ὠφελιμώτεροι δὲ
τοῖς συμμάχοις ἔσεσθε· ἐπίστασθε γὰρ <ἐν>[3] ταῖς
ἐφ᾽ ἡμῶν ὀλιγαρχίαις γεγενημέναις [καὶ][4] οὐ τοὺς
γῆν κεκτημένους ἔχοντας τὴν πόλιν, ἀλλὰ πολλοὺς
[530] μὲν αὐτῶν ἀποθανόντας, πολλοὺς δ᾽ ἐκ τῆς πόλεως
5 ἐκπεσόντας, οὓς ὁ δῆμος καταγαγὼν ὑμῖν μὲν
τὴν ὑμετέραν ἀπέδωκεν, αὐτὸς δὲ ταύτης οὐκ
ἐτόλμησε μετασχεῖν. ὥστ᾽, ἐὰν ἔμοιγε πίθησθε,
οὐ τοὺς εὐεργέτας, καθὸ δύνασθε, τῆς πατρίδος
ἀποστερήσετε, οὐδὲ τοὺς λόγους πιστοτέρους τῶν
ἔργων οὐδὲ τὰ μέλλοντα τῶν γεγενημένων νομιεῖτε,
ἄλλως τε καὶ μεμνημένοι τῶν περὶ τῆς ὀλιγαρχίας
μαχομένων, οἳ τῷ μὲν λόγῳ τῷ δήμῳ πολεμοῦσι,
τῷ δὲ ἔργῳ τῶν ὑμετέρων ἐπιθυμοῦσιν· ἅπερ[5]
κτήσονται, ὅταν ὑμᾶς ἐρήμους συμμάχων λάβωσιν.

6 Εἶτα τοιούτων[6] ἡμῖν ὑπαρχόντων ἐρωτῶσι[7] τίς
[531] ἔσται σωτηρία τῇ πόλει, εἰ μὴ ποιήσομεν <ἃ>
Λακεδαιμόνιοι[8] κελεύουσιν; ἐγὼ δὲ τούτους εἰπεῖν
ἀξιῶ, τί τῷ πλήθει περιγενήσεται, εἰ ποιήσομεν
ἃ ἐκεῖνοι προστάττουσιν; εἰ δὲ μή, πολὺ κάλλιον
μαχομένους ἀποθνῄσκειν ἢ φανερῶς ἡμῶν αὐτῶν

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[1] ἀπώσομεν Baiter: ποιήσωμεν mss.

[2] πίθησθε Cobet: πιθώμεθαι, πειθώμεθα mss.

[3] ἐν add. Reiske.

[4] καὶ del. Taylor.

[5] ἅπερ Stephanus: ἀπο-, ὅπερ mss.

[6] τοιούτων Baiter: τοῖς τῶν mss.

[7] ἐρωτῶσι Markland: ἐρῶσι mss.

we actually granted the right of marriage to the Euboeans.[a] Shall we debar to-day even our existing citizens ? No, if you will be advised by me ; nor, after losing our walls, shall we denude ourselves of our forces,—large numbers of our infantry, our cavalry and our archers : for, if you hold fast to these, you will make your democracy secure, will be more victorious over your enemies, and will be more useful to your allies. You are well aware that in the previous oligarchies of our time it was not the possessors of land who controlled the city : many of them were put to death, and many were expelled from the city ; and the people, after recalling them, restored your city to you, but did not venture to participate in it themselves. Thus, if you take my advice, you will not be depriving your benefactors, so far as you may, of their native land, nor be placing more confidence in words than in deeds, in the future than in the past, especially if you remember the champions of oligarchy, who in speech make war on the people,[b] but in fact are aiming at your property ; and this they will acquire when they find you destitute of allies.

And then they ask us, when such is our plight, what deliverance there can be for the city, unless we do as the Lacedaemonians demand. But I call upon them to tell us what profit will accrue to the people if we obey their orders. If we do not, it will be far nobler to die fighting than to pass a manifest sentence

[a] Normally the marriage tie was only recognized as between persons of Athenian birth.

[b] *i.e.*, they pretend to be battling with the principle of democracy, but are really busy with robbery.

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[8] ⟨ἃ⟩ Λακεδαιμόνιοι Stephanus : Λακεδαιμονίοις MSS.

7 θάνατον καταψηφίσασθαι. ἡγοῦμαι γάρ, ἐὰν μὲν
πείσω, ἀμφοτέροις κοινὸν εἶναι <τὸν>[1] κίνδυνον. . .[2]
[532] ὁρῶ δὲ καὶ Ἀργείους καὶ Μαντινέας τὴν αὐτὴν
ἔχοντας γνώμην τὴν αὐτῶν οἰκοῦντας, τοὺς μὲν
ὁμόρους ὄντας Λακεδαιμονίοις, τοὺς δὲ ἐγγὺς
οἰκοῦντας, καὶ τοὺς μὲν οὐδὲν ἡμῶν πλείους, τοὺς
8 δὲ οὐδὲ τρισχιλίους ὄντας. ἴσασι γὰρ <ἐκεῖνοι>[3]
ὅτι, κἂν πολλάκις εἰς τὴν τούτων ἐμβάλωσι, πολλάκις
αὐτοῖς ἀπαντήσονται ὅπλα λαβόντες, ὥστε
οὐ καλὸς αὐτοῖς ὁ κίνδυνος δοκεῖ εἶναι, ἐὰν μὲν
νικήσωσι, τούτους <μὴ>[4] καταδουλώσασθαί γε,
ἐὰν δὲ ἡττηθῶσι, σφᾶς αὐτοὺς τῶν ὑπαρχόντων
ἀγαθῶν ἀποστερῆσαι· ὅσῳ δ' ἂν ἄμεινον πράττωσι,
9 τοσούτῳ <ἧττον>[5] ἐπιθυμοῦσι κινδυνεύειν. εἴχομεν
δέ, ὦ Ἀθηναῖοι, καὶ ἡμεῖς ταύτην τὴν γνώμην,
ὅτε τῶν Ἑλλήνων ἤρχομεν, καὶ ἐδοκοῦμεν καλῶς
βουλεύεσθαι περιορῶντες μὲν τὴν χώραν τεμνομένην,
οὐ νομίζοντες δὲ χρῆναι περὶ αὐτῆς διαμάχεσθαι·
ἄξιον γὰρ ἦν ὀλίγων ἀμελοῦντας πολλῶν
[533] ἀγαθῶν φείσασθαι. νῦν δέ, ἐπεὶ ἐκείνων μὲν
ἁπάντων μάχῃ ἐστερήμεθα, ἡ δὲ πατρὶς ἡμῖν
λέλειπται, ἴσμεν ὅτι ὁ κίνδυνος οὗτος μόνος ἔχει
10 τὰς ἐλπίδας τῆς σωτηρίας. ἀλλὰ γὰρ χρὴ ἀναμνησθέντας
ὅτι ἤδη καὶ ἑτέροις ἀδικουμένοις βοηθήσαντες
ἐν τῇ ἀλλοτρίᾳ πολλὰ τρόπαια τῶν πολεμίων
ἐστήσαμεν, ἄνδρας ἀγαθοὺς περὶ τῆς πατρίδος καὶ
ἡμῶν αὐτῶν γίγνεσθαι, πιστεύοντας μὲν τοῖς θεοῖς
καὶ ἐλπίζοντας ἐπὶ τὸ δίκαιον μετὰ τῶν ἀδικουμένων
11 ἔσεσθαι. δεινὸν γὰρ ἂν εἴη, ὦ Ἀθηναῖοι,

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[1] τὸν add. Scheibe.
[2] Lacunam indic. Usener.
[3] ἐκεῖνοι add. Dobree.
[4] μὴ add. Thalheim.
[5] ἧττον add. Reiske.

of death upon ourselves. For I believe that if I can persuade you, the danger will be common to both sides. . . .[a] And I observe the same attitude in both the Argives and the Mantineans, each inhabiting their own land,—the former bordering on the Lacedaemonians, the latter dwelling near them ; in the one case, their number is no greater than ours, in the other it is less than three thousand. For their enemies know that, often as they may invade the territories of these peoples, as often will they march out to oppose them under arms, so that they see no glory in the venture : if they should be victorious, they could not enslave them, and if they should be defeated, they must deprive themselves of the advantages that they already possess. The more they prosper, the less is their appetite for risk. We also, men of Athens, held these views, when we had command over the Greeks ; and we deemed it a wise course to suffer our land to be ravaged without feeling obliged to fight in its defence. For our interest lay in neglecting a few things in order to conserve many advantages. But to-day, when the fortune of battle has deprived us of all these, and our native land is all that is left to us, we know that only this venture holds out hopes of our deliverance. But surely we ought to remember that heretofore, when we have gone to the support of others who were victims of injury, we have set up many a trophy over our foes on alien soil, and so ought now to act as valiant defenders of our country and of ourselves : let us trust in the gods, and hope that they will stand for justice on the side of the injured. Strange indeed

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[a] There is probably a gap here in the text.

εἰ, ὅτε μὲν ἐφεύγομεν, ἐμαχόμεθα Λακεδαιμονίοις ἵνα κατέλθωμεν, κατελθόντες δὲ φευξόμεθα, ἵνα μὴ μαχώμεθα. οὐκ οὖν αἰσχρὸν εἰ εἰς τοῦτο κακίας ἥξομεν, ὥστε οἱ μὲν πρόγονοι καὶ ὑπὲρ τῆς τῶν ἄλλων ἐλευθερίας διεκινδύνευον, ὑμεῖς δὲ οὐδὲ ὑπὲρ τῆς ὑμετέρας αὐτῶν τολμᾶτε πολεμεῖν; . . .

would it be, men of Athens, if after fighting the Lacedaemonians, in the time of our exile, to achieve our return, we should take to flight, when we have returned, to avoid fighting! And will it not be shameful if we sink to such a depth of baseness that, whereas our ancestors risked their all merely for the freedom of their neighbours, you do not dare even to make war for your own? . . .

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